

**TRANSCRIPT OF PROCEEDINGS**

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**INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM**

**BOARD: THE HONOURABLE JENNIFER COATE AO**

**DAY 9**

**10.00 AM, FRIDAY, 28 AUGUST 2020**

**MELBOURNE, VICTORIA**

**MR A. NEAL QC appears with MS R. ELLYARD, MR B. IHLE,  
MR S. BRNOVIC and MS J. MOIR as Counsel Assisting the Board of Inquiry**

**MR D. BATT QC appears with MS K. O'GORMAN for Crown Melbourne Ltd**

**MS J. FIRKIN QC appears with MS S. KEATING and MR S. STAFFORD for  
the Department of Environment, Land, Water and Planning**

**MS C. HARRIS QC appears with MS P. KNOWLES and MR M. McLAY for  
the Department of Health and Human Services**

**MS J. CONDON QC appears with MS R. PRESTON and MR R. CHAILE for  
the Department of Jobs, Precincts and Regions**

**DR K. HANSCOMBE QC appears with MS H. TIPLADY for the Department  
of Justice and Community Safety**

**MR R. ATTIWILL QC appears with MS C. MINTZ for the Department of Premier and Cabinet**

**MR J. GRAHAM appears for Four Points by Sheraton Melbourne, Docklands**

**MR S. PALMER appears with MR L. MOLESWORTH for Melbourne Hotel Group Pty Ltd trading as Holiday Inn Melbourne Airport**

**MS A. ROBERTSON appears with MS E. GOLSHTEIN for MSS Security Pty Ltd**

**MR A. WOODS appears for Rydges Hotels Ltd**

**MR S. DUGGAN appears for Travelodge Hotel Melbourne (Docklands) and Mr Ram Mandyam**

**MR A. MOSES SC appears with MS J. ALDERSON for Unified Security Group (Australia) Pty Ltd**

**MS J. DAVIDSON appears for the Chief Commissioner of Victoria Police**

**MR R. CRAIG SC appears with MR D. OLDFIELD for Wilson Security Pty Ltd**

**MS D. SIEMENSMA appears for Your Nursing Agency (Victoria) Pty Ltd**

CHAIR: Good morning, Ms Ellyard.

MS ELLYARD: Good morning, Madam Chair. Before we begin, there are some new appearances as I understand it to be announced; firstly, on behalf of Four Points  
5 by Sheraton.

MR GRAHAM: If the Board pleases, I appear for the proprietor of Four Points by Sheraton.

10 CHAIR: Thank you.

MS ELLYARD: Secondly, on behalf of Mr Mandyam and the Travelodge Hotel.

MR DUGGAN: Madam Chair, my name is Duggan, I appear for Travelodge Hotel  
15 Docklands and Mr Mandyam.

CHAIR: Thank you, Mr Duggan.

MS ELLYARD: Thirdly, an additional appearance on behalf of Crown Melbourne.  
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MR BATT QC: May it please the Board, my name is Batt and I appear on behalf of Crown Melbourne Ltd.

CHAIR: Thank you, Mr Batt.  
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MS ELLYARD: Madam Chair, the evidence this morning is proceeding by way of a panel of three witnesses who all appear. May I indicate that I will call each one of them separately so that your associate can take them through the affirmation before we commence their evidence. I call first Mr Ram Mandyam.  
30

CHAIR: Thank you.

Mr Mandyam, you will have had explained to you that it is necessary for you to take the affirmation before commencing your evidence. For that purpose I will hand you  
35 to my associate who will take you through the affirmation.

**RAM BHARADWAJ MANDYAM ANANDAMPULLAI, AFFIRMED**

40 MS ELLYARD: I next call Mr Shaun D'Cruz.

CHAIR: Mr D'Cruz, the same situation for you: you will take the affirmation and I'll have my associate assist you to do that. Thank you, Madam Associate.  
45

MR D'CRUZ: Thank you, Madam Chair.

**SHAUN D'CRUZ, AFFIRMED**

5 MS ELLYARD: Then, finally, Mr Stephen Ferrigno.

CHAIR: Yes, Mr Ferrigno, you too will need to take the affirmation. So I'll hand you to my associate for that purpose. Thank you, Madam Associate.

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**STEPHEN JOSEPH FERRIGNO, AFFIRMED**

CHAIR: Thank you, Ms Ellyard.

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MS ELLYARD: Thank you, Madam Chair.

**EXAMINATION BY MS ELLYARD**

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MS ELLYARD: Could I begin with you first, Mr Mandyam. Could I ask you to tell the Board your full name?

25 MR MANDYAM: My full name is Ram Bharadwaj Mandyam Anandampullai.

MS ELLYARD: And your occupation and present place of work?

30 MR MANDYAM: My present occupation and place of work is at Travelodge Docklands and I work in the capacity of the hotel general manager.

MS ELLYARD: You have made a statement in response to a request from the Board?

35 MR MANDYAM: Yes.

MS ELLYARD: Do you have a copy of that document in front of you?

MR MANDYAM: Yes, I do.

40

MS ELLYARD: It's dated 17 August 2020?

MR MANDYAM: Yes, that's correct.

45 MS ELLYARD: Are the contents of that statement true and correct?

MR MANDYAM: Yes, it is true and correct.

MS ELLYARD: I tender that statement, Madam Chair.

5   **EXHIBIT #040 - STATEMENT OF RAM BHARADWAJ MANDYAM  
ANANDAMPULLAI**

10   MS ELLYARD: Turning to you, please, Mr D'Cruz, could I ask you to give the  
board your full name?

MR D'CRUZ: It's Shaun D'Cruz.

15   MS ELLYARD: Your present occupation and place of work?

MR MANDYAM: I'm the executive manager of Crown Melbourne Hotels in  
Melbourne.

20   MS ELLYARD: You have prepared a statement also in response to a request made  
of you by the Board?

MR D'CRUZ: That is correct, yes.

25   MS ELLYARD: Do you have a copy of that statement in front of you?

MR MANDYAM: I certainly do.

30   MS ELLYARD: It's a statement which includes two annexures, so it runs to a total  
of 38 pages?

MR D'CRUZ: That is correct.

MS ELLYARD: Are the contents of that statement true and correct?

35   MR D'CRUZ: They are, Ms Ellyard.

MS ELLYARD: I tender that statement, Madam Chair.

40   CHAIR: Exhibit 041.

**EXHIBIT #041 - STATEMENT OF SHAUN D'CRUZ**

45   MS ELLYARD: And then finally turning to you, Mr Ferrigno, could I ask you to tell  
the Board your full name?

MR MANDYAM: Stephen Joseph Ferrigno.

MS ELLYARD: And your present occupation and place of work?

5 MR FERRIGNO: I'm the general manager at the Four Points by Sheraton here in Melbourne Docklands.

MS ELLYARD: You have made a statement, too, in response to a request made of you by the Board?  
10

MR FERRIGNO: Correct.

MS ELLYARD: Do you have that statement in front of you, dated 17 August 2020?

15 MR MANDYAM: I do.

MS ELLYARD: Are the contents true and correct?

MR MANDYAM: Yes.  
20

MS ELLYARD: I tender that statement, Madam Chair.

CHAIR: Exhibit 042.  
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**EXHIBIT #042 - STATEMENT OF STEPHEN JOSEPH FERRIGNO**

MS ELLYARD: May I begin by inviting each of you to describe to the Board the scope of the involvement that your hotel had in the Hotel Quarantine Program. May I start with you, Mr D'Cruz. You deal with the matter at paragraphs 19 and 20 of your statement. When did your hotel first take in quarantine passengers and how many did it receive?  
30

35 MR D'CRUZ: So we commenced participation in the program on 29 March. It involved two Crown hotels, which is Crown Metropol and Crown Promenade. We had a total of 5,600 guests approximately during the course of the entire program.

MS ELLYARD: Are there any guests staying at your hotel currently pursuant to the Hotel Quarantine Program for overseas travellers?  
40

MR D'CRUZ: No, there are not.

MS ELLYARD: Mr Ferrigno, turning to you, what was the commencement date and extension of your hotel's involvement in the Hotel Quarantine Program?  
45

MR FERRIGNO: Thank you. We commenced the contract on 29 March and then

the first guests arrived on 7 April. We had a total of 1,608 guests here during that period, and the last guest departed on 10 July.

5 MS ELLYARD: Thank you. Mr Mandyam, when did your hotel's involvement begin and what was its scope and duration?

MR MANDYAM: Thank you, counsel. So our program began on 28 March for us and we received a total of 322 guests.

10 MS ELLYARD: When did the first of those guests arrive?

MR MANDYAM: The first of the guests arrived on 10 April.

15 MS ELLYARD: Am I right in understanding that your hotel received a total of two flights, one arriving on 10th and one arriving on the 11th?

MR MANDYAM: That is correct.

20 MS ELLYARD: May I turn to the question of COVID-19 policies and training, which each of you were asked to answer and did answer questions in your statement. Starting with you, please, Mr Ferrigno, at paragraph 35 of your statement, or rather, in response to question 35, you summarised the training that was given to your staff by your organisation, specifically relating to COVID-19. Could I ask you to summarise that for the Board, please?

25 MR FERRIGNO: Yes, sure. As part of the Marriott organisation here at the Four Points, we required our staff to go through a number of online training courses. These had to do with social distancing, body language, the importance of hand sanitising, the use of PPE, personal protective equipment, public space cleanliness and high touch cleaning, what to do with a presumed or confirmed COVID-19 case on property, touchless transactions as well. We also asked them to complete the Australian Government Infection Control online training course and also provided written documents to support that, along with supervision and signage throughout the hotel.

35 MS ELLYARD: Mr Mandyam, you deal with this issue at paragraph 93 of your statement. Was there specific training created and/or provided to your staff by your organisation?

40 MR MANDYAM: Yes, that is correct. So as part of TFE Hotels, we had a comprehensive policy and procedure and training plan which was rolled out as early as January. Now, this covered all the departments within --- or all functioning areas within the hotel business itself. It did cover quite extensively on self-isolation, sanitisation, use of personal protective gear, signage. All the team members who were working had to go through an induction checklist, which did explain to them what coronavirus or COVID-19 in general is, and what precautions we had to take as an organisation.

45

MS ELLYARD: That, as I understand it, had been done by your organisation before it knew of any potential involvement in the Hotel Quarantine Program?

5 MR MANDYAM: That is correct.

MS ELLYARD: Mr D'Cruz, you deal with this matter at paragraphs 19 and following of your statement. I understand there was specific training implemented and provided by your organisation to staff connected with COVID-19?

10

MR D'CRUZ: That is correct, Ms Ellyard.

MS ELLYARD: What kinds of training did that involve?

15 MR D'CRUZ: It was training around the social distancing, the use of PPE; it also involved the familiarisation around the specific conditions of COVID-19 across the entire complex. They were developed by Crown specifically, it was subsequently provided for all Crown employees, the hotels included, with information about first aid operations, their specific involvement as far as COVID, the notification across all  
20 back-of-house and front-of-house areas, and also the establishment of a COVID manager as part of the COVID team within Crown.

MS ELLYARD: You mentioned, Mr D'Cruz, at paragraph 113 of your statement that there was also specific training in relation to PPE?

25

MR MANDYAM: Yes, that's correct. As part of the quarantine program and of course within Crown, we had specific training on how to use PPE.

MS ELLYARD: Mr Mandyam, was there specific PPE training provided to your staff either before or after you knew you were being involved in the Hotel Quarantine Program?

30

MR MANDYAM: Yes, there definitely was a training program for the use of PPE and this was well before we got the first group of arrivals coming through.

35

MS ELLYARD: And Mr Ferrigno?

MR FERRIGNO: Yes, there was.

40 MS ELLYARD: Each of you have been asked in your statements to respond to questions relating to the availability and use of PPE. As I understand it, each of your organisations was able to source appropriate PPE for use by your staff during your work in the quarantine program. As I understand it, Mr D'Cruz, you provided different levels of PPE to your staff depending on the nature of contact they might be  
45 having with quarantined guests; is that right?

MR D'CRUZ: That is correct, Ms Ellyard.



MS ELLYARD: You deal with it at paragraph 105 of your statement. What was the difference between the different forms of PPE that were provided depending on the level of contact?

5

MR D'CRUZ: We had a variety of PPE that was obviously the single use variety, which was standard. There was also the N-95 variety which was something that we specifically had during the course of the quarantine hotels specifically. The standard use PPE is readily available for all of our team across the entire complex.

10

MS ELLYARD: Thank you. Mr Mandyam, did you draw any distinction for your staff about the extent to which they should use PPE, depending on the level of the contact they were having with quarantined guests?

15 MR MANDYAM: So with our hotel, we strongly encouraged that we shouldn't be having any contact with quarantined guests in general. However, when the group arrived, we had to check them in, so as a process that was put in, we ensured that there was plenty of social distancing maintained to start off with, and all the team members who were involved in the check-in process were equipped with masks,  
20 gloves. We also had plenty of sanitisers available as well as part of our extensive program in general.

MS ELLYARD: Mr Ferrigno, were there special measures in place for your staff when it was necessary for them to have some level of direct or closer contact with  
25 quarantined guests?

MR FERRIGNO: Yes, there were.

MS ELLYARD: What were they?  
30

MR FERRIGNO: We required them to wear the PPE designated for the task, depending on what that task was, whether it was check-in or check-out, or whether it was delivery to a room or removal of rubbish and those sorts of tasks. They were required to wear either masks, gloves, goggles or aprons as required by the task  
35 description.

MS ELLYARD: Mr Ferrigno, at paragraph 18 of your statement, or in response to question 18, you refer to a procedure that was implemented at 22 June which provided for the temperature screening of guests upon their arrival.  
40

MR FERRIGNO: That's correct.

MS ELLYARD: Are you able to say what if any --- I take it there hadn't been temperature screening of guests prior to that time?  
45

MR FERRIGNO: That's correct.

MS ELLYARD: Did that thereafter persist for the duration of your hotel's involvement in the program?

MR FERRIGNO: Yes, it did.

MS ELLYARD: Who was it who conducted the temperature testing?

MR FERRIGNO: DHHS had arranged for this temperature testing to take place and had assigned staff to the arrival point on the ground floor and any Government staff or support staff or hotel staff coming in to work were required to be temperature tested by those people.

MS ELLYARD: And what were the actions that were taken if someone's temperature was tested at what appeared to be an inappropriately high level?

MR FERRIGNO: The DHHS operating procedure required that the person taking the temperature reading inform the individual of the high temperature recording and also ask additional questions relating to the presence or otherwise of symptoms relating to COVID-19 and then take action accordingly.

MS ELLYARD: Mr D'Cruz, was temperature testing something introduced at your hotels at or around 22 June?

MR D'CRUZ: Is this in reference to the guests specifically, Ms Ellyard?

MS ELLYARD: No. Well, either in relation to quarantine guests or in relation to guests and other people coming and going from your building?

MR D'CRUZ: We did implement temperature testing of our team members. DHHS specifically looked after the guest management as far as their health concerns. I can't specifically comment about whether the temperature was taken. It certainly was --- did not appear to be in a visible sense in the lobby, but I do know that there were checks of our guests that took place.

MS ELLYARD: And you mentioned that you took responsibility, you as an organisation, for the temperature testing of your own staff?

MR D'CRUZ: We certainly did, yes.

MS ELLYARD: Was there any mechanism for the testing of the temperatures of those who were coming and going from the building, for example, security guards or delivery people?

MR D'CRUZ: I can't be certain of that, Ms Ellyard. It wasn't a function of Crown's.

MS ELLYARD: You have mentioned, Mr D'Cruz, the check-in --- a couple of you have mentioned the check-in processes. May I turn now to the question of how it

was that guests came to arrive at your hotel and be checked in and admitted to their rooms. I'll begin with you, Mr Mandyam. At paragraph 63 of your statement you refer to the first arrival of guests at your hotel on the 10th, which I understand occurred at about 4.00 in the morning. Can I ask you to describe to the Board,  
5 please, the process that was followed when those guests began to walk through the front door?

MR MANDYAM: So we did receive probably a 14 hour notice as to when our first group was arriving. This was notified to us on 9 April around 5.00 pm, I would say,  
10 saying that we were getting a flight coming in from South America, specifically Chile, and the anticipated time of arrival was going to be at 5.00 am. A couple of hours later, I believe, the time changed and it moved on to 3.00 am. So we probably had less than 12 hours to make sure that all the arrangements were appropriate and we had the right level of manning level to ensure that all the guests were checked in  
15 in an orderly fashion. From the previous conversations we had with different Government agencies, we were told that buses were going to be arranged via SkyBus and they would have anywhere between 15 to 20 passengers and each of these buses would arrive at the hotel entrance, they would be escorted off the buses through security and then led into the lobby in an orderly fashion. The hotel had already  
20 prepared and had social distancing measures to ensure that we didn't have more than the designated number of people being in the lobby itself, which definitely had a huge part in making sure that we as an organisation did the right thing.

Part of the modification within the lobby itself was removing any additional furniture  
25 and we created space for both DHHS and DNATA, just for working groups, I believe. I'm not entirely certain as to what paperwork was being dispensed to the guests but the check-in process, just so the Board realises, as soon as the guests walked in we asked them for an identification, which would be ideally their passport; we would take a note of the name and the date of birth and along with the procedure  
30 we wanted to make sure that we get their dietary requirements as well. Once that was done, they would be given their room key and they would be escorted by the security guest towards the DHHS desk.

MS ELLYARD: Had you known before that first group arrived the names and  
35 numbers of people that you were going to be accommodating?

MR MANDYAM: Unfortunately not in the circumstance. We weren't aware as to how many passengers in total there really were. There was a lot of speculation going on with the exact numbers. We weren't sure of how many of them were travelling  
40 together, especially families. Given that out of the 290 rooms that Travelodge Docklands has, we have a limited number of interconnecting rooms and I was quite cautious about making sure that families were kept together during this process. It definitely was in the back of mind making sure that we knew the number of families that were there. Unfortunately, we weren't given much information with regards to  
45 that.

MS ELLYARD: As I understand from your statement at paragraph 64, the check-in

process for that first flight was a very long one, in part because it had to be done manually because there was no prior information about the guest?

MR MANDYAM: That is accurate.

5

MS ELLYARD: I understand there had also been some difficulties in understanding what the guests would need immediately by way of food when they arrived at the hotel?

10 MR MANDYAM: Yes, counsel.

MS ELLYARD: What was that issue?

15 MR MANDYAM: With the --- particularly crew that arrived, we did have a high level of dietary requirements in general which probably the hotel wasn't equipped to cater, given that we were leading up to the long weekend. We, as an organisation, took into consideration that we were going to have a fair number of major dietary groups, such as vegans and vegetarians or even potentially Halal. But given that  
20 when the guests did start arriving there were very specific dietary requirements which were more aligned toward their health conditions, which we had absolutely no idea, and that caused us a huge challenge for us.

MS ELLYARD: Mr Ferrigno, at paragraph 20 of your statement, you talk about the information that was available usually when guests checked in by way of information  
25 about the aeroplane manifest?

MR FERRIGNO: Yes, that is correct.

30 MS ELLYARD: Could you explain to the Board please the amount of notice that you would usually get of the names on that manifest and how reliable that information tended to be?

MR FERRIGNO: Generally speaking, we would receive the manifest any time from four hours prior to the arrival or up to the day prior. That varied from flight to flight.  
35 It came in the form of an email from our DJPR site manager, who would communicate that he had just received it and forwarded it to us. In each of those manifests there was a variety of detail, sometimes it would simply be first name, the surname, the passport number and the number of adults or children, and on other occasions the manifests were quite extensive and had a lot of detailed information  
40 about the travellers.

MS ELLYARD: How did you gather relevant information, Mr Ferrigno, about the dietary needs of guests?

45 MR FERRIGNO: At the airport, I understand that DHHS had issued a form, a dietary information form, requesting travellers to fill that in and they would hand that in to the DNATA staff that were assisting at the check-in process. Early on in the

program that questionnaire went straight to the nurses or DHHS, I believe, and we would subsequently receive information on a case-by-case basis. After probably two or three arrivals we were aware that this was causing a challenge so we asked that we receive the forms directly and collate the dietary information and follow it up directly with the traveller and we would also share that information back to the various Government departments, so that they were included along with the forms we gave back straight away.

MS ELLYARD: Mr D'Cruz, turning to you, the Board understands that your hotel received the very first arrivals who were placed in quarantine under the Hotel Quarantine Program. What details did your hotel have in advance of arrivals, of the number and identity of the people who were coming on that first day?

MR D'CRUZ: Ms Ellyard, we were initially planning on an arrival around the 28th March. However, the dates had changed and moved on to the 29th, which is when both hotels were expecting arrivals. I think there were approximately about six to seven flights, if I'm not mistaken. The information was at very short notice. We received basic manifests as far as names, we had a rough idea of the volume of rooms that were required. We took the steps to ensure that we had a good mix of rooms in order for us to be able to cater to the arrivals and families, for that matter.

MS ELLYARD: At paragraph 49 of your statement, in answer to the question about what information you would receive, you say that DJPR would typically provide flight numbers and the time of arrival and from time to time you would also get the names of guests and other details. Does that mean that there were times when you didn't know names until the people arrived at the hotel?

MR D'CRUZ: Yes, that is correct.

MS ELLYARD: So what processes --- how did processes differ from your hotel's perspective depending on whether you already knew in advance the names and other personal details of the people who were coming?

MR D'CRUZ: Ms Ellyard, generally we had an idea of the volume of rooms required, so responsibly, we put rooms aside in order to be able to cater for the volume of guests. We were fortunate enough to be in a position where we could react relatively quickly with regard to the names. The process from Crown's involvement was to hand over keys, so as long as we had rooms available for our customers, organising the names wasn't too arduous for us.

MS ELLYARD: Mr D'Cruz, when people were passing through the lobbies in the way that you have described at paragraphs 26 and 27 of your statement, and checking in, who would be present? What kind of numbers of staff and from which organisation?

MR D'CRUZ: From Crown perspective, we'd have --- our team members would be assisting the handover of keys. There would be DNATA representatives who would

have assisted with the Government-related information as far as the guests were concerned. There would be a presence of Government security in the lobby as well who ensured that the guests maintained social distancing, that the guests were ushered from the SkyBus into the lobby. As best as possible we had a reasonably straightforward area in order to get from the driveway through to the hotel lifts and those were the team members in general. There were also members of DJPR that were present as well.

MS ELLYARD: Was the hotel able to identify particular lifts, for example, that could be used for the purposes of transporting guests to their rooms?

MR D'CRUZ: Yes, they were. The lifts were --- all the lifts were provided to the Government security to access, in order to escort our guests up to their rooms.

MS ELLYARD: Were there particular cleaning arrangements in place for those hotels, for those areas?

MR D'CRUZ: Yes, there were. There was touch point cleaning. So the front-of-house lifts were the lifts that were used for the purposes of transporting our guests. The back-of-house lifts we used specifically for Crown staff.

MS ELLYARD: Mr Mandyam, turning to you, you mentioned that as part of the check-in process you had made some changes to the layout of the lobby to remove extra furniture. What were the numbers of people that were present during the check-in times at your hotel, and from where did they come?

MR MANDYAM: So during the check-in process, realistically, from a hotel perspective there were a total of four team members who were involved in the check-in process itself and that involved me as well as part of the team of four. We were well behind the desk, which meant that we had ample social distancing in place. Apart from that, we had two tables set up, one table set up for the DHHS and the other table set up for DNATA. And it was a table for two people as well on that, so that was the arrangement. Apart from that, it was mainly involving the security guards, there was a security manager. From my recollection at this stage, probably around four security guards, just to make sure that everyone was ushered in and made to stand in a socially distant --- and their designated areas as part of the check-in process.

MS ELLYARD: Mr Ferrigno, from your hotel's perspective, did you do any changes to the layout of the lobby or make any special arrangements to facilitate the check-in process?

MR FERRIGNO: Yes, we did. We assigned specific points in the lobby area to tasks so that the staff that were there knew exactly where they were to stand and what they were required then to do. For the modification we added two desks in the form of banquet tables that enabled the DNATA staff along with the nurses and the AO or DHHS to work from that in their process of arrival.

MS ELLYARD: Mr Ferrigno, you said a little while ago in answer to an earlier question that there were forms that were completed in relation to dietary requirements and that after an initial period your hotel staff received those forms so  
5 that they could use them to meet the dietary needs of guests. I take it you are speaking about physical pieces of paper?

MR FERRIGNO: That's correct.

10 MS ELLYARD: Was there any issue that arose for you or that you gave consideration to about infection control measures relating to the receiving of documents from people who were coming into quarantine?

MR FERRIGNO: Yes. As those documents were coming from people who were  
15 potentially infected with COVID-19, the assumption was that they were a risk item and were to be treated accordingly. That meant that as that item passed through the process of checking and recording, we ensured that the hotel staff wore the appropriate PPE. At that point in time on arrival they were required to wear gloves and a mask in handling of that document.

20 MS ELLYARD: Mr Mandyam, did your staff need to take physical custody of documents from guests as part of the arrival process?

MR MANDYAM: Yes, counsel. We had to and we took appropriate measures as  
25 well. Team members wore PPE which included obviously disposable gloves. As an additional precaution, the ink pens that were being used by the guests would be a single use pen so in case a person comes in to sign a document, that would be used only once and disposed of, so we made sure that to reduce the number of high touch or transmission, we were limiting it to one pen per person.

30 MS ELLYARD: Mr D'Cruz, was there any practices in place at check-in or otherwise at your hotel to deal with documents or items that were being passed over from arriving guests?

35 MR D'CRUZ: Yes, Ms Ellyard. As best as possible we tried not to handle anything from the guests specifically. The general process was we would handle documents that were provided to us via DNATA for that matter which contained information of the dietaries. All of our Crown staff members absolutely certainly were --- the clear instruction was gloves and masks on at all times front of house. So there was a basic  
40 expectation. So as far as pens and keys and things like that, they were segregated separately, they were sanitised or disposed of.

MS ELLYARD: May I stay with you, Mr D'Cruz, and turn to the question of  
45 cleaning. You give some answers at paragraphs 82 and following of your statement about the staff who were involved in the Hotel Quarantine Program and you refer, amongst other things, to cleaners and housekeeping. Were there particular cleaning arrangements that were put in place by your hotel for the rooms that were being used

in the quarantine program?

5 MR D'CRUZ: Yes. We --- the Crown subcontracted housekeeping team were responsible for cleaning the rooms on departure of the guests. There was no --- no cleaning that took place specifically during the course of occupancy of the guests. The interaction by the Crown housekeeping team was specifically to drop and deliver towels or other basic necessities, such as shampoos or conditioner, to the outside of the guest room doors.

10 MS ELLYARD: But cleaning of rooms after guests left was done by Crown subcontracted cleaners; is that right?

15 MR D'CRUZ: That is correct, except for the case of COVID suspected rooms. In the case of COVID suspected rooms, that was an arrangement that DHHS had specifically with another subcontractor. It just so happened coincidentally that the subcontractor that they had the agreement was with was also a subcontractor that Crown use. However, for purposes of this particular program, we did not have direct interaction with the subcontractor that was responsible for the cleaning of the COVID rooms.

20 MS ELLYARD: And you mentioned, and you deal with this again at paragraph 35 of your statement, Mr D'Cruz. As I understand it during the period of 14 days occupancy, there wasn't any cleaning done of the rooms by your staff?

25 MR D'CRUZ: That is correct.

MS ELLYARD: Was anything provided to guests for the purposes of them being able to clean the rooms or change linens themselves?

30 MR D'CRUZ: There were general amenities. If there was anything that was required by the way of linen, it would be a phone call that would be accepted by our guest service centre. Housekeeping team would collect those items of linen, for instance, leave it outside the door for the guests to be able to utilise it. As far as anything specific that they required, there was also a provision by DJPR and DHHS  
35 where if there was a certain type of cleaning equipment required, that was also provided. If it was something that Crown could provide specifically, of course that's what we did.

40 MS ELLYARD: Mr Mandyam, you deal with the question of cleaning at paragraph 82 of your statement. What cleaning arrangements were in place at your hotel with respect to the rooms being used?

45 MR MANDYAM: With respect to the rooms being used, we were very clear that no one was going to be entering the rooms in the period of 14 days. If the guest required a linen change, we had a policy rolled out where we would be providing fresh linen and towels on the fifth and the 10th day and the process, how it worked, was we would bag them in bin liners and we would drop them outside the rooms.



Letters were sent out stating that the guests had to just bag their dirty linen for us and leave them outside the room for us to collect and in return they would get fresh linen. So that was the procedure we had.

5 MS ELLYARD: As I understand it, the bagging of the linen to leave outside their room was done in a double-bagging model; is that right? You mention that at paragraph 88 of your statement?

10 MR MANDYAM: That is correct. So just as a precautionary measure, just to make sure that we protect our team members and also make sure that we comply with what the linen supplier or what the laundry company wants. We requested all guests to bag them in disposable bags, which were red in colour, and then request that to be bagged in a bin liner as well, leave it outside. As a precaution, I requested my team members to again double bag that again, so essentially we double bagged it twice,  
15 just to make sure that there was no tear itself and that's how we proceeded with it.

MS ELLYARD: What about the cleaning of rooms after guests left? Was that done by your hotel or was it done by a Government contractor on the hotel's behalf?

20 MR MANDYAM: As Travelodge Docklands received really only one group, we didn't have --- the time wasn't really of the essence, if I could put it that way. We made sure that we took a good three days after all the departures were completed and then we had an outsourced company which is called GHS. GHS had their own policies and procedures for a deep clean, which essentially was making sure that we  
25 did a thorough clean for each room, which would be anywhere between an hour and a half to two hours, to make sure that we don't miss anything per se. We did, however, I have to mention here, counsel, that had two positive cases or two rooms with a COVID patient, I should say. We did not enter those rooms. That was again through a subcontractor suggested by DJPR. We were able to get their services and  
30 they cleaned the rooms for us. The hotel, as a precaution, actually disposed of any linen that was left over or pillows per se, just as an additional precaution.

MS ELLYARD: Mr Ferrigno, can I turn to you on the question of cleaning. As I understand it from your statement, there was a change at some point over the  
35 duration of your hotel's involvement in the program about the way and by whom cleaning was done. What was the situation before the change, what cleaning was done and by whom?

MR FERRIGNO: The change for cleaning of guest rooms that were asymptomatic,  
40 the hotel contractor would perform that task. For cleaning of rooms that were confirmed COVID positive, the assigned Government subcontractor was contacted and they would attend site and do an initial clean and sanitise of those rooms and then the hotel's contractor would follow and clean it and set up those rooms.

45 MS ELLYARD: What was the change that occurred?

MR FERRIGNO: Further into the program, as it transitioned from DJPR to DHHS,

I understand that DHHS partnered with Alfred Health, I believe, and they used Spotless cleaning to come in and they were going to perform a clean and sanitise of all rooms and that was the change that occurred.

5 MS ELLYARD: How successful was that change, from your perspective?

MR FERRIGNO: I don't think it was successful.

10 MS ELLYARD: And why not?

MR FERRIGNO: I think the contractor, or subcontractor that was used, was not given sufficient time to prepare and that was an observation based on the --- how organised they were in the first few days, how much equipment or resources they had to support, the task that they were required to do and how assured and confident they were in performing those tasks, along with the absence of requested operating  
15 procedures. I formed an opinion that they just didn't have enough time to get prepared to perform this task.

MS ELLYARD: And did you in fact make available the hotel's own cleaning  
20 contractors to provide some assistance and guidance in how the work should be done?

MR FERRIGNO: Yes, we did. I will commend the supervisor on site from the subcontractor. She and her team did everything they could, but I don't think they had  
25 time or resources or awareness to do this sort of work and on the second day that they arrived I provided --- I think it was two or three --- there were definitely two --- of the hotel's contractor supervisors to assist them in the task at hand and to show them how we go about cleaning the rooms.

MS ELLYARD: Mr D'Cruz, can I come back to you on the question of linen. You have indicated in the annexures to your statement that, relatively early on in the program, some concerns were raised by some of your staff who would have been having to have contact with linen and laundry that had been used by quarantine  
30 guests. Can I ask you to tell the Board about what that issue was and how your hotel resolved it?  
35

MR D'CRUZ: Thank you, Ms Ellyard. So just in terms of reference, within the Crown properties, we obviously support three different hotels and our laundry team, we have a dedicated laundry that we have on site. So there were some questions  
40 about laundry specifically and, Ms Ellyard, I am assuming you're referring to the laundry staff hesitant to attend work? Would I be correct in saying that?

MS ELLYARD: Yes, it's referred to, a couple of points in your appendix, that there was a concern and then I think an issue raised on their behalf by an organiser relating  
45 to work safe practices for them.

MR D'CRUZ: Yes. Thank you for raising that. That wasn't specifically in relation

to the hotels involved in the quarantine program. Subsequently at that particular period of time, there were a number of changes that were taking place and it was more so around the use of PPE and the general conditions of COVID specifically and what Crown were doing in relation to that. Risk management teams did have a  
5 conversation with the delegate who had raised the issue and also the broader laundry team.

MS ELLYARD: Other than that issue, were there any concerns raised, Mr D'Cruz, as far as you're aware, by any of the staff at your hotel about whether or not they felt  
10 safe or unwilling to come to work because of the fact that there was the potential for COVID positive guests to be staying there?

MR D'CRUZ: There were certainly queries across the complex from our teams across different areas. That was more so around what was Crown doing specifically  
15 to ensure the health and safety of our team members in an environment with which we were supporting the Hotel Quarantine Program. Those questions, of course, are valid and they were answered as well. One of the main things that we specifically had involved, we had our health and safety teams involved, we had our human services team, in order to be able to clarify specifically what the concerns were.  
20 I wouldn't say they were complaints due to indiscretions, it was more so a request for information with regard to our responsibility.

MS ELLYARD: At paragraph 81, Mr Mandyam, of your statement, you deal with this issue and the extent to which there was anyone at your organisation who felt  
25 concerned about working while there were potentially COVID positive guests.

MR MANDYAM: Counsel, within the program itself, I work in that team. I had a very honest conversation of what the program was going to be and in general the majority of our team members were confident that we had the right policies and  
30 procedures and the right protocols in place to make sure that they were protected. However, there was one team member who raised concern and we actually arranged her not to come in and the only reason being that was she had just returned from her maternity leave and as a precaution she wanted to, and we as a hotel and a company encouraged that and we were happy to do it.

35 MS ELLYARD: She just didn't come to work for that period of time?

MR MANDYAM: That is correct.

40 MS ELLYARD: Mr Ferrigno, was it an issue that arose at your hotel for any of your staff, what they perceived as a personal risk to themselves from the possibility of contact with passengers who had COVID?

MR FERRIGNO: Yes, it was brought to my attention.

45 MS ELLYARD: And what were the concerns and what was done in response to that?

MR FERRIGNO: In the process from February and March onwards, we were active in our communication and information that we would share with our associates here working at the hotel. That was in the form of briefings and meetings and emails and signage, to communicate as much as we could about what we knew about COVID-19 at that point in time and how to best manage that infection risk in our operation. As March rolled into April, we did have some associates in our briefings and meetings who would ask questions and we would clarify those to address those questions. And, generally speaking, I believe that everyone felt a sense of comfort and confidence in then going about and performing their duties, with an air of caution and awareness as to the risk involved from the information we gave them. I did have one or two people come and see me during the course of April/May to share their individual circumstance and, like the others mentioned, we would accommodate those and leave it to the individual to decide the best course of action. Sometimes we would recommend that they take time off or use their annual leave or leave without pay was extended to them, so that they were absolutely confident whether they should stay at home or whether they should come to work. We would support that decision, whatever that was, and that was our position.

MS ELLYARD: Thank you. May I turn back to you, please, Mr Mandyam, on the question of food, which you deal with at paragraphs 86 and following in your statement. The context of my questioning here is the Board has heard some evidence from people who stayed at various hotels, it wasn't specifically about yours, about issues that were sometimes experienced in relation to food. As I understand it, the catering for your guests was a particular issue for your hotel. Could you explain why that was?

MR MANDYAM: Surely, counsel. So I think it's important for us to understand that Travelodge Hotel is what we call a limited service hotel. We provide comfortable accommodation and a healthy breakfast, predominantly. We do not have a full equipped kitchen to start off with, or we do not have a bar or a restaurant in general. So what we were trying to achieve during the span of 14 days was we were catering close to 1,000 meals a day with probably 100 various dietary requirements. So that put a fair bit of strain in delivering all those demands in the right orderly fashion.

So going back to the question in general with food itself, as we did not get prior notice as to what the guest requirements were, the initial few days were very challenging in general to deal with it. We were looking at multiple requests, we were looking at portion size control and probably preferences more than --- and demands from the guests rather than what we could cater for.

MS ELLYARD: At the time that guests were staying with you, were they permitted to order in their own food, whether by way of Uber Eats or anything of that kind?

MR MANDYAM: No, they weren't.

MS ELLYARD: And what, as you saw it, what was the impact on guests and perhaps guests' attitude towards the hotel and their time in it, from the difficulty that catering caused?

5 MR MANDYAM: I would say it was a huge disappointment for them, mainly because of the fact that they felt they weren't given a choice realistically. They were detained, they weren't given a choice to get out of the room, they weren't given a choice to have food of their liking. I think in some cases it is fair to say that we had young children or toddlers whom we couldn't always cater to, given the  
10 circumstances. So I think it was an overall frustration for the guests who were there.

MS ELLYARD: Mr D'Cruz, if I could turn to you. Your hotel is on a larger scale and probably didn't have the kitchen capacity issues that Mr Mandyam has mentioned. But were there issues that your hotel experienced about being able to  
15 meet the guests' expectations of food?

MR D'CRUZ: Yes, there were, Ms Ellyard, but most were in the sense of the delineation between preferences and dietaries particularly. Considering the circumstances of how everything came about and the short notice nature of things, it  
20 did take a couple --- a little while to settle in specifically on the dietary requirements of guests. Of course we were constantly sensitive to the fact that people had specific dietaries. We were also sensitive to the fact that in certain cases people would like a bit of variety as well, considering it's 14 days in a room and having a good meal is something to look forward to, I would suggest. So those were some of the challenges  
25 that we did face during the course of the program as far as dietaries.

MS ELLYARD: At paragraph 130 of your statement, Mr D'Cruz, you give a number of meals, 17,000 meals supplied, and you refer to the percentage of guests who nominated special food requirements, and I gather that percentage was much higher  
30 than what you would regard as the usual percentage of guests who expressed preferences?

MR D'CRUZ: It was certainly was higher, Ms Ellyard. And under normal circumstances I would suggest it was very high compared to what we would  
35 normally expect, yes.

MS ELLYARD: Were there policies in place at any time for people to be able to order in their own food?

40 MR D'CRUZ: There was in about --- I think about three weeks into the program, the availability of Uber Eats or Menulog, for instance, was made available to the guests for them to order.

MS ELLYARD: And did that make a difference as you saw it from --- to the level of  
45 complaints or concerns that were being expressed about food variety and access?

MR MANDYAM: Ms Ellyard, I believe it did. However, at the same time I --- not

everyone was utilising Uber Eats, so at the same time with guests that we had in-house, we still had queries, for instance, about meals or the contents of meals that would come though. I wouldn't specifically say that it was a situation with which there were serious complaints that took place, however, the introduction of Uber Eats did make it a lot more palatable for our guests.

MS ELLYARD: Mr Ferrigno, can I ask you the question about food issues? Did issues arise in your hotel about either delivery of food or people's level of satisfaction?

MR FERRIGNO: Yes, they did. I think similar to Shaun's answer, early on in the program with the process of arrival and collecting information, the hotel receiving that information was often after the first or even second meal period. That meant that we were left to send up the menu and meals that we had prepared to people who perhaps had certain preferences or certain religious alignment that they required in their menu and/or allergies or risk of anaphylaxis. So in the early stages of the program there were challenges through the communication of information. In terms of preferences versus a dietary or medical need, there were sometimes disappointments, it would be fair to say, from travellers who had specific dislikes of an item of food, that we encountered feedback on that, and that lasted through the duration of the program. I think, generally speaking, we were able to meet all of the religious requirements, whether it be Halal or Jains or whatever they were, and the same for medically diagnosed or risk of anaphylaxis or allergy throughout the program.

MS ELLYARD: Was Uber Eats something that became available to your guests during the time that you were running in the program?

MR FERRIGNO: Yes.

MS ELLYARD: May I stay with you, Mr Ferrigno, and turn to perhaps a related question of guest control and autonomy and that's the question of smoking. At paragraph 45 in your statement, or as part of your answer to question 45, you identify an issue that arose about policies relating to access for guests to cigarettes and smoking. Could you tell the Board about that, please?

MR FERRIGNO: Yes. It was brought to my attention that there was to be a change in the operating policy that we had in place for some period of time and that the Government were asking that we allow people who did smoke to have the cigarettes and lighters in their rooms. Prior to this conversation, the items were taken from them or from their baggage by presumably security staff or people at the airport. And somewhere along the way, someone decided that it might be a good idea to allow them to have cigarettes and lighters in their rooms and that was brought to our attention. We expressed a concern about the risk to that, understanding that some people may be addicted and choose to smoke irrespective of the risk of fire and evacuation. So we chose to give feedback that that not occur, and eventually over the course of about 48 hours, that was listened to and the existing policy of not

allowing cigarettes or lighters to be in the rooms was maintained.

MS ELLYARD: And for those guests who would otherwise have wished to smoke, I take it that there was an arrangement in place for them to be able to get access to their cigarettes and lighters outside of their rooms so that they could smoke; is that right?

MR FERRIGNO: My understanding is that DHHS or the AOs or the nurses would coordinate that fresh air walk option to the traveller.

MS ELLYARD: Thank you. Mr Mandyam, may I turn back to you on the question of guest behaviour or issues arising. At paragraphs 109 and 113 you deal with this issue and you have already touched on it in relation to guests' experiences of food. But I wonder, could you tell the Board a little bit more about your observations of the behaviour or the emotional reactions, perhaps, of the guests who were quarantined with you?

MR MANDYAM: Sure, counsel. So I probably need to mention here in this case, saying that when the first group arrived or the first plane arrived, it came as a bit of a shock to me, saying that the passengers who came from South America had not been fed for 40 hours, and when they did land and they were told that they were going to a hotel, I do believe that they weren't given a whole lot of clarity as to what was happening. So I believe they were --- there was anxiety to a certain extent that they were going to be detained for 14 days against their will and they couldn't really go out of their room. That probably led to a fair amount of emotional outburst, I would say, from the guests. Going back to your question about smoking as well, we did have a fair amount of smokers in the group. As a policy we did not allow cigarettes and lighters to be in the room, just to make sure that for the safety and security of the guests and the team members as well, just to ensure that none of the smoke alarms go off, which would cascade down to evacuation, if I may say. So I think there were a probably a lot of things which led to this frustration itself and unfortunately it was the hotel team members who fielded those calls to a large extent on day one, and over the course of two weeks it did not stop, quite honestly.

MS ELLYARD: And you mention at paragraph 113 of your statement that you observed guests in some cases being abusive, not only towards your own staff but towards others connected with the program?

MR MANDYAM: That's correct.

MS ELLYARD: And indeed you felt that in some cases the behaviour was upsetting or distressing, in particular for nurses and authorised officers?

MR MANDYAM: Yes, that's correct.

MS ELLYARD: Could you tell the Board perhaps an example of what you are referring to there?

MR MANDYAM: I would probably say the fact that the nurses would probably go do a welfare check on the guest itself, I believe the guest who might be --- might have been in an irritable mood when they called or when they visited them for a welfare check or even to ensure from an authorised officer who I believe had power to agree or disagree on whether a person was going to go out for a walk, was bearing the brunt from the guest itself.

MS ELLYARD: Mr D'Cruz, may I ask you, were there issues that came to your attention of distressing or unacceptable behaviour towards members of your staff from guests in quarantine?

MR D'CRUZ: Other than repeated queries, I wouldn't say there was anything specific with which we had guests who constantly harassed hotel staff, no.

MS ELLYARD: May I ask you some questions and perhaps starting with you, Mr D'Cruz, about --- we asked you for some evidence in your statement about the extent to which processes or guidelines changed over the course of the program and your hotel, as we have identified, was one of the very first. Firstly, thinking about fresh air breaks, when the program first started, was there any requirement or expectation that guests would have time outside of their rooms?

MR D'CRUZ: Not initially, Ms Ellyard. I think that was very quickly developed, though, as far as the availability of fresh air breaks. That was a mechanism that was being looked after specifically by the authorised officers, accompanied by security at locations approved by myself within the Crown Metropol and the Crown Promenade footprint.

MS ELLYARD: You have described in your statement the particular areas of the hotel that were used for the purposes of fresh air breaks, and as I understand it, you had some requirements about the times of day those breaks could occur; is that right?

MR D'CRUZ: That is correct, yes.

MS ELLYARD: What was the reason for that?

MR D'CRUZ: Well, in order to minimise any opportunity for cross-contamination, one of the things that we were very clear about is for us not to conduct fresh air walks during meal service times, purely because our team members would be transiting through the corridors in order to be able to drop off meals. We didn't want to be in a position in which we had Government security, quarantined guests and staff members co-existing in the same space, so that was one of the recommendations or the requirements that I had as far as the fresh air walks.

MS ELLYARD: Mr Mandyam, you say at paragraph 74 of your statement that fresh air walks began as a policy during the time at which guests were staying at your hotel. How were the fresh air walks managed from your observation?



MR MANDYAM: From my observation, counsel, the fresh air walks probably started three days into the program or from first arrival. I'm not really certain as to what the change of policy or why it did start off when the hotel was given clear  
5 instructions that they were not going to be --- that the guests were going to be confined to their rooms. So the whole program of guests going out for a walk was strictly managed by DHHS and the security company, from my understanding. The hotel had very --- or literally no involvement as to which guest was going out for a walk or how long for. I believe this was left to the authorising officer to give  
10 permission with regards to that. With ---

MS ELLYARD: Mr Ferrigno --- sorry, keep going.

MR MANDYAM: With regard to how the walks happened itself, the security would station their guards on each end of the road, so our hotel is located on a lane which is  
15 just a straight path. As a precaution, I had requested the security team to actually make sure that the guests walk on opposite side of the hotel, as there's a fair bit of public during April who would be coming towards the other side of the building.

MS ELLYARD: Did your hotel get notice about the fact that walks were going to be conducted or did you just see people walking through the lobby with the security  
20 guards?

MR MANDYAM: I would probably say I might have been given a 10-minute notice  
25 in --- it was verbal.

MS ELLYARD: Mr Ferrigno, could I ask you about your hotel's experience of the introduction of fresh air walks and how they were conducted?

MR FERRIGNO: The hotel's role in this was limited pretty much to the guest would call down to the hotel operator requesting information about how to get access to the fresh air walk facility. There was literature, I understand, that the Government had sent them in that regard. Our role really was just to connect that enquiry telephone  
30 call to the Government department, be it DHHS or the nurses or security. On observation, after that, I would say that, generally speaking, the AO and the nurse or the AO and security or the nurse and security appeared to be the ones conducting the fresh air walk process with the guests upstairs.  
35

MS ELLYARD: On the question of authorised officers, Mr D'Cruz, at paragraph 55 and following you answer some questions about the way in which I guess directions or requests were given to your hotel. As I understand it, there's a distinction that you draw between the terms of the contract that your hotel had with the Government on the one hand and directions or requests that were made of you by staff on the ground;  
40 is that right?

MR D'CRUZ: Yes, that would be correct.  
45

MS ELLYARD: And so from whom --- where requests were made for changes in policy or access to resources or something of that kind, from whom would those requests come? Was it always the same person or was it a variety of people?

5 MR D'CRUZ: They would come from a number of people. In certain cases it might be a request via a nurse, it might be some correspondence via an authorised officer. What our team would do as best as possible was gather the information and depending on what was required it would be transferred through to myself. I would then contact my contact in DJPR specifically to get some clarity on what specifically  
10 we needed to do. That's generally how it happened. Of course, there would be times where, under normal course of operation, there would be conversations that would take place and depending on the severity of the issue or how important it was, it would be escalated appropriately.

15 MS ELLYARD: Mr Mandyam, from your perspective, when requests came for your hotel to do or not do certain things from Government officials, from whom did they come?

MR MANDYAM: It always for me, I believe it came from the authorising officer.  
20 I have to mention here that the authorising officers changed on a regular basis. It would be probably safe to say that I did not see the same face in more than two days, in the span of 14 days.

MS ELLYARD: What kind of matters would the authorised officers who were from  
25 DHHS, as I understand it, what kind of matters would they be raising with you?

MR MANDYAM: It would be mainly relating to guest complaints and in our hotel's case it was mainly revolving around the food, so that is how --- that is the only reason why the authorising officer or the AO would pretty much approach.  
30

MS ELLYARD: Mr Ferrigno, could I ask you the same question: where directives or requests were given or made, who was making or giving them?

MR FERRIGNO: Throughout the program for us the great majority of requests  
35 came through the DHHS team leaders on site. They appeared to be the funnel for all information. Those requests would go straight from them to the duty manager or myself or the food and beverage manager. The AOs would also make requests, but the great majority always came through DHHS. Early on in the program my DJPR site contact would communicate information that had come through his office to the  
40 hotel and he would also provide information for us to act on if it related --- usually to --- something to do with the hotel. So anything with the hotel room, the linen, the amenities, those sorts of things, were things that we handled as enquiries from those departments.

45 MS ELLYARD: Thank you. May I ask you, sticking with you, Mr Ferrigno, about the role of nurses. Were there always nurses on site?

MR FERRIGNO: Yes, there were.

5 MS ELLYARD: And what, as you understood it, were the functions that they were performing as distinct from the work being done, for example, by the team leaders or authorised officers?

10 MR FERRIGNO: Our understanding, through briefings and observation was that the nurses' role was to perform those daily welfare checks and to provide wellbeing and health support to the travellers upstairs.

MS ELLYARD: Mr Mandyam, you mention nurses in paragraph 73 of your statement. Were there nurses always on site at your hotel?

15 MR MANDYAM: That is correct, counsel.

MS ELLYARD: And what roles did you observe them to be performing?

20 MR MANDYAM: Mainly welfare check for the guests in general and probably at times they would take amenities, whether it was basic necessities or any kind of sanitary products up to the guest rooms.

25 MS ELLYARD: You say in paragraph 73 that it was your understanding that medical advice was provided by the supervising nurse. So was there medical care, as you understood it, being provided by the nurses?

MR MANDYAM: Yes, that's correct.

30 MS ELLYARD: And you also refer to the fact that where there needed to be further action, it was directed to the authorised officer. Do you mean if, for example, there was a view that someone needed hospitalisation or some medical care beyond a nurse's role?

35 MR MANDYAM: Yes, I would say so. I would believe that some of the calls later on started filtering on to the nurse about, you know, I would like to go out for a walk, so obviously those decisions were not left with the nurses and they had to approach the authorising officers, so I would say, yes.

40 MS ELLYARD: May I turn, then, to the question of the security guards. Sorry, before I do that, I should ask you, Mr D'Cruz, were there nurses at your hotel?

MR D'CRUZ: Yes, there were, Ms Ellyard.

45 MS ELLYARD: And was their role, as you understood it, similar to that that Mr Ferrigno and Mr Mandyam have described?

MR D'CRUZ: That would be; correct, yes.

MS ELLYARD: Were there occurrences, as far as you are aware, where there were people in your hotels who needed escalation to hospital or a more extreme form of medical care than nursing care?

5 MR D'CRUZ: I couldn't confirm that specifically, Ms Ellyard. However, there would be cases, certain cases where there would be a crossover between the Government contact line and of course the Crown contact centre, where we might have received a query about where someone might have been distressed about a fresh air walk, for that matter. Our general mechanism was to then report it to the nurses.

10 MS ELLYARD: Thank you. May I turn then to the question of security, and starting first with you, Mr D'Cruz. As I understand it, your hotel had --- quite outside the scope of the Hotel Quarantine Program, there were security guards who were part of Crown's regular operations?

15 MR D'CRUZ: Yes, there were security guards that were part of Crown's normal operations who did not have anything to do with the Hotel Quarantine Program.

20 MS ELLYARD: And so the security guards that worked in the Hotel Quarantine Program were organised by the Government and placed, as you understand it, at your hotel?

MR D'CRUZ: That is correct, Ms Ellyard.

25 MS ELLYARD: In the appendix to your statement, firstly at page 32 and then at 33, but I will ask you to go to 32 first, you detail a couple of issues that I understand were raised about the conduct of those security guards working particularly in the Hotel Quarantine Program. Firstly, at page 32, there's a reference there to some concerns about the conduct of Government security guards on 20 April. Do you see that?

30 MR D'CRUZ: Yes, that's correct, I see that.

35 MS ELLYARD: Could I ask you to tell the Board what that issue was?

MR D'CRUZ: Sure, Ms Ellyard. So that particular situation was, we did have Government security guards that were meant to be on the floors of the guests in order to ensure that our guests stayed in their rooms and the back-of-house areas in the hotel is where we would store our linen and during the course of normal operation, during which our team members would transgress across the floor to deliver amenities or meals, for that matter, they noticed that someone had come into the pantries and utilised our towels. So as a result we'd reported that particular issue. I do recall that this specific incident was also reported to myself and my contact, who I normally would deal with, was informed of this particular situation.

45 MS ELLYARD: As I understand it, the issue was that towels were being taken from the back-of-house area and then being used for the purposes of taking naps in the

corridor. Was that what you understood the issue to be?

MR MANDYAM: Yes, it would appear so.

5 MS ELLYARD: And was there any particular issue in terms of infection control issues about the fact that the security guards were accessing the back-of-house area? Was that an area that they were permitted to go into?

10 MR D'CRUZ: No, they were not permitted to go into that area. That was another reason as to why I had specifically brought that up, because that wasn't something that they were supposed to do at all.

MS ELLYARD: What action was taken as far as you are aware in terms of reporting and resolving that issue?

15 MR D'CRUZ: As far as I'm aware, that issue was escalated to the Government security department and they managed it appropriately.

20 MS ELLYARD: And from your observation or understanding, was it resolved so that it didn't reoccur?

MR D'CRUZ: It did not reoccur, so I would take that it was resolved or was attended to.

25 MS ELLYARD: There is then a reference on the next page of your document, page 33, Mr D'Cruz, to some information arriving on 4 May relating to the conduct of security guards in the fire stair wells?

30 MR D'CRUZ: Yes.

MS ELLYARD: Could you tell the Board please what that issue was?

35 MR D'CRUZ: Yes. We had --- this was identified on departure. Obviously, our team would conduct a thorough inspection and clean all the floors as guests vacated. On that particular occasion what we had observed is that there had been evidence of smoking in the fire stair wells and that a chair and wall furniture had been damaged.

MS ELLYARD: So this was in floors that were empty for the purposes of cleaning, having been vacated by quarantined guests?

40 MR D'CRUZ: That is correct, Ms Ellyard.

MS ELLYARD: As I understand it from your earlier evidence, there were always security guards stationed on every floor where guests were being accommodated?

45 MR D'CRUZ: Yes, that was the expectation, correct.

MS ELLYARD: I gather that issue of smoking and damage was investigated. What was found and what was done about it?

5 MR D'CRUZ: Ms Ellyard, I remember this report. I had reported it once again, based on the information I had received from my colleagues. It was passed on to my contact at DJPR. This was escalated through to the supervisory team of the Government security as information. That was also passed on. I'm quite certain of that. And there had also been further actions that were put in place by the Government security team to ensure that something like this would be kept --- would  
10 be looked into and it obviously wasn't accepted by them either.

MS ELLYARD: Other than these two particular issues that you have drawn to the Board's attention, did you become aware of other issues relating to the way in which private security guards employed for hotel quarantine were conducting themselves at  
15 your hotel?

MR D'CRUZ: Ms Ellyard, I think there is another comment which I've got as part of my appendix, just in relation to --

20 MS ELLYARD: Yes, at the bottom of page 35, I think.

MR D'CRUZ: Yes, that would be it. That was essentially with regards to the using of the facilities that we had provided in the way of parking. And also further to that I believe there was also a report that I have made further down about congregating in  
25 the driveway, which seemed to breach social distancing rules. That was brought to my attention by our surveillance team. That was also reported.

MS ELLYARD: Mr Ferrigno, in your statement in part of your answer to paragraph 45, you detail some observations you made, some general and one particular specific  
30 incident, about the conduct of security guards. Could I ask you to speak first to the general view that you formed of the way security was conducting themselves at your hotel and then I'll ask you about the specific incident.

MR FERRIGNO: Yes. Through the quarantine program, through personal  
35 observation and related observation of my staff, we were concerned with the diligence with which the security guards were performing their tasks, as they appeared to spend a lot of time watching content on their telephone, having conversations on their mobile or generally in a fairly passive mode, sitting down for hours at a time. And so that was something that we would talk at our briefings. We  
40 had daily briefings with key stakeholders, including Government departments and the security supervisor, and it was brought to the supervisor of security, his attention, and he assured us that he would address the behaviour with the guards at his shift changeover briefing. However, this appeared to go on for an extended period of time, this sort of behaviour, and I formed a view that the supervisors and the resultant  
45 actions of their briefing was ineffective and the guards continued to execute their roles as they saw fit.

MS ELLYARD: What control did you have --- you mentioned that you had raised it in briefings and so forth. What did you understand to be anything further you could have done to achieve a changeover of security or some other form of action?

5 MR FERRIGNO: As the guards and the company didn't report to the hotel, we didn't contract their services, we had nothing really to do with their briefing or job description or task descriptions. Our ability to influence their behaviour was really restricted to communicating these concerns at briefings.

10 MS ELLYARD: And/or communicating them, presumably, up the line of Government to those who were contracting their services?

MR FERRIGNO: That's correct.

15 MS ELLYARD: And as I understand it there was a particular incident that occurred on 25 June which you did report up the line. Could I ask you to tell the Board about that incident?

MR FERRIGNO: Yes. At 9.20 am on 25 June, I was sitting in the restaurant  
20 conducting a hotel briefing with two of my senior managers. It was at that time that I observed a person walking across the lobby. He appeared to have come from the lift area, and was coming towards us. He reached about 5 or 6 metres away from us and I noticed he had no shoes on, that he was dressed in jeans and a T-shirt and he had a mask covering his mouth but not his nose. Having come into work that day  
25 and it was particularly cold, I was pretty sure that this person had not come from outside and in fact had come from upstairs. I asked him to stop approaching us and to confirm if he was staying in the hotel, which he did. I then asked him to put his mask over his mouth and nose and to return to his room. He ignored that request and proceeded to ask questions about how he would organise a fresh air walk. Along  
30 with my colleague in food and beverage, we again asked him to return to his room and my colleague informed him that he was actually in breach of his Detention Notice and he must go back to his room immediately. We asked him to go back to the lifts on numerous occasions in the ground floor lobby and I would arrange for security to escort him back to his room and that is what occurred. This interaction  
35 took approximately less than 60 seconds and the guest was escorted by security back to his room.

Following that incident, I met with the security guard supervisor and the DJPR site manager. I also called my company's safety and security director, seeking advice,  
40 and I also called Vic Pol to report the incident as a serious breach of detention. In terms of the security guard supervisor and DJPR site manager, I had access to the CCTV footage that clearly shows the individual exiting his room to progress to the lift on his floor on level 10; the guard is not wearing his mask, he is looking at his phone, he seems engaged in that process. As the guest presses the call button to go  
45 down to the ground floor, the lift arrives, the guest enters the lift and at that point the CCTV shows the guard looking up as the doors close. The guest proceeded directly to the ground floor from level 10 and then out to the ground floor lobby, as

I described earlier.

5 I shared that footage with those two key stakeholders in this situation and as far as I know DJPR site manager really referred us back to the security guard supervisor and didn't do anything with the information. I spoke with the security guard supervisor and asked him to ensure that the guard be immediately escorted from the property as he was a risk to infection management in the hotel and I asked him to also arrange for the training logs and the documents relating to the security guard SOPs to be provided. He later communicated to me in the day that I would receive a  
10 call from the director of the security provider, and around three days after that incident, I did receive a call from a director of the security company apologising for the incident and assuring me that it wouldn't happen again. And then after the incident, which I think occurred on a Friday, on the Saturday I escalated this to the escalation points at DHHS and other Government departments to highlight my  
15 concerns that this serious breach had occurred.

MS ELLYARD: Did you get a satisfactory response from Government about that, as you saw it?

20 MR FERRIGNO: No, I didn't get a response to my email. No.

MS ELLYARD: Mr Mandyam, can I ask you whether there were any particular observations that you made about the conduct of security, whether positive or negative, during the period of time that there was security present at your hotel?

25 MR MANDYAM: Thank you, counsel. So with our hotel I did not notice anything in particular negatively about the security guards. As a hotel, we had ensured that the security briefing room was equipped with a fridge, a microwave and a coffee machine, just to make them comfortable. During my regular walks within the floors  
30 as well, we had stationed two guards who were quite far apart from one another and probably couldn't see each other, so we kind of mitigated that risk as well. So from our end, no.

MS ELLYARD: The last topic that I want to raise with the three of you is really in  
35 the nature of any comments and reflections that you have on the program as you observed it and participated in it. I will stay with you, if I may, Mr Mandyam, because at paragraphs 116 and following of your statement you provide, in response to the Board's invitation, some additional information. Can I just invite you to speak to the Board about the matters set out in paragraph 116?

40 MR MANDYAM: Surely, counsel. I probably have to say, saying that when I was first notified of Travelodge Docklands' participation in this Hotel Quarantine Program, I was very pleased and proud that we were playing such an integral part of the hotel industry as a general, providing, you know, enormous relief assistance for  
45 hundreds of thousands of people who were stuck overseas and we were, you know, making --- we were ensuring that they were coming back to a safe place, I would say. However, you know, when I look back on it now, I would probably say, because of



the lack of the support that we received, and probably the hostility that we received from the guests, it probably had a big impact on the team and myself as well.

5 Realistically, we --- this program could have worked. It could have worked with better communication, better structure, if we had the right preparations in general. We needed a central point of contact, realistically, who was responsible for this program, and the lack of clarity in general probably was what was missing from my end. Realistically, well, if you ask me if I would do it again, my answer is yes because that's the right thing to do. But, you know, we would definitely be seeking  
10 for more assurances from the Government, saying do we have the right protocols and procedures in place for us to be leading this program in general? You know, we as hoteliers, we welcome everyone from different backgrounds and we don't ask them anything more, you know, that's the lifestyle we lead and that's what we do in general. So, for me, absolutely, those are the real key learnings for me. I mean,  
15 realistically we should have worked toward a common goal but unfortunately it doesn't seem to be that way.

MS ELLYARD: Mr D'Cruz, may I turn to you, from your perspective as someone whose hotel was involved from the very first arrivals through to when the program in  
20 its then form was phased out. Are there any reflections you would offer from your experience about how the program worked or didn't work, or how it might have worked better?

MR D'CRUZ: Ms Ellyard, just to summarise, it would --- my comments would be  
25 more around the lines of clarity, in the sense of who was meant to be in charge of certain aspects of the program. Having more information on the manifests and with more notice would have certainly assisted. They were very short, they appeared in different forms, we did our best, of course, to assist. Clarity around the information for the benefit of our guests. I could --- there were certain situations which as normal  
30 hoteliers, we are in the business of --- we are in the business of trying to assist as best as possible, as a single point of information. In the current circumstances, however, there were certain things that we were not able to do so, actually because they were of a medical nature, so that would have been something else to be mindful of, I would think. As far as dietaries as well, more information in advance, that would  
35 have helped as well.

One main point that I --- that was always something that we weren't certain of, is generally we would like to know the people around our hotel, or it would happen in any hotels. Considering the nature of the program, there were nurses, security  
40 possibly, a number of people involved in this program that moved between properties. Had we had some consistency within the individual hotels, I'm sure it would have been not as problematic as it might have been in certain cases. But that's my feedback in general.

45 MS ELLYARD: Thank you, Mr D'Cruz. Mr Ferrigno now, may I ask you the same questions, if there are any reflections or comments you would wish to make in addition to what you have already said in your evidence about your hotel's

participation in the program and how you would suggest it could have been done differently or better?

- 5 MR FERRIGNO: Yes, sure. Thank you. I think at the outset, in late March, we were standing down almost every associate in the hotel on a Monday and Tuesday of that week, so by Friday when we were contacted to provide support to this program, it was an opportunity to provide jobs to those people. And that was something that we were cognisant of. But we also had to very carefully measure the risk of infection and what that meant for the future and were somewhat satisfied that we could
- 10 manage that with the support of the Government departments. I think what transitioned, despite the best efforts of everybody involved, didn't turn out to be what we had hoped it to be and did require a lot of thinking on our feet as we went along, for ourselves and also those departments.
- 15 Towards the very end of the program, from about 1 July, I was comforted to see the organisation that came in to inherit the operational task, when Department of Justice and Corrections staff arrived on this site. Clearly, they are specialists with skills and experience in these types of environments and roles, they appeared trained and proactive and capable. There was an obvious chain of command process and their
- 20 SOPs and job description documents that they had ready whenever we asked for anything gave me a great sense of satisfaction that we would put our hand up again and continue to support this program, to continue to support our community and the people in Victoria by providing accommodation and meals to those that need them. So I think that if we can learn from those observations, the Corrections Department
- 25 and the people in that department provide, we should be better served and able to achieve the goals of the program.

MS ELLYARD: Thank you, Mr Ferrigno.

- 30 Madam Chair, those are the questions I have. But I have had notice of some applications of a quite limited nature for cross-examination, the first of which is on behalf of MSS Security. I had some discussions about what those questions will be, so I will hand over to her.

- 35 CHAIR: Ms Golshtein; is that right?

- MS GOLSHTEIN: Thank you, Madam Chair. I seek to examine only Mr Ferrigno, if I might, in relation to two topics, the first being the reporting of COVID symptoms and testing by DHHS, and the second relates to discrete matters which he raises at
- 40 paragraph 45 of his statement.

CHAIR: Yes, I'll grant that leave. Thank you.

- MS GOLSHTEIN: Thank you.
- 45

#### **CROSS-EXAMINATION BY MS GOLSHTEIN**

MS GOLSHTEIN: You say it was in your understanding, this is at paragraph 113,  
that guests displaying symptoms were required to advise DHHS team or nurses of  
5 those matters. Do you recall that?

MR FERRIGNO: Yes.

MS GOLSHTEIN: You also say in your statement that DHHS was responsible for  
10 informing the hotel of positive test results. Do you recall that?

MR FERRIGNO: Yes.

MS GOLSHTEIN: Was it your understanding that DHHS was responsible for  
15 informing the hotel if a guest was, say, symptomatic or awaiting a COVID result?  
That is, before they had actually confirmed a positive result?

MR FERRIGNO: No.

MS GOLSHTEIN: And to your knowledge, did the DHHS inform the hotel of any  
20 guests who may have been symptomatic or awaiting COVID results but had not yet  
been confirmed positive?

MR FERRIGNO: Yes, they did.  
25

MS GOLSHTEIN: To clarify, you were informed of guests who were symptomatic  
by DHHS?

MR FERRIGNO: No, we were informed of guests that were positive by DHHS.  
30

MS GOLSHTEIN: Yes, but not those who were symptomatic or awaiting results?

MR FERRIGNO: That's correct.

MS GOLSHTEIN: If I could take you to matters that you raise in paragraph 45 of  
35 your statement, Mr Ferrigno, you state there, and I'll take these one by one, initially  
you state that security guards were not suitably qualified to perform the job at hand  
and that their supervisors were also inadequate in their supervision and management  
and in ensuring that the guards were doing their role correctly. Do you recall saying  
40 that?

MR FERRIGNO: Yes.

MS GOLSHTEIN: It's the case, is it not, that you would have no personal  
45 knowledge about the qualifications or training that the security guards held or were  
given?

MR FERRIGNO: That's correct.

MS GOLSHTEIN: And insofar as there will be evidence in this Inquiry that MSS Security staff and subcontractors are required to hold a Victorian private security licence, you wouldn't be able to dispute that requirement, would you?

MR FERRIGNO: That's correct.

MS GOLSHTEIN: Insofar as there will be evidence in this Inquiry that MSS site supervisors provided daily on-site briefings to their staff about tasks and responsibilities, you wouldn't dispute that those briefings occurred, would you?

MR FERRIGNO: That's correct.

MS GOLSHTEIN: Would you agree that MSS shift supervisors were necessarily rostered on to every shift at your hotel?

MR FERRIGNO: By observation, I would agree with that.

MS GOLSHTEIN: If I could now take you to an email, sir.

Madam Chair, this is an email which I have raised with Ms Ellyard and Ms Harris in advance and it has been redacted appropriately and now uploaded to the hearing book, I understand. I should also indicate that in discussions with Ms Harris I understand she makes no applications in relation to it. And, further, that I don't propose to tender that email today, it will necessarily come out through a witness later on in the Inquiry.

CHAIR: I understand.

MS ELLYARD: Let's give the document a number.

MS GOLSHTEIN: Yes. Could the operator bring up MSSS.0001.0003.0395\_R.

CHAIR: This is a document that is currently in the hearing book bundle, Ms Ellyard?

MS ELLYARD: Yes, I understand that it was to be uploaded. Ms Golshtein gave advance notice of it yesterday and as I understand it, it was being uploaded this morning, so that it would be available for this purpose.

MS GOLSHTEIN: If I could assist, I am able to access it, at least on my end. It appears under the document group C under Stephen Ferrigno's folder in the hearing book. Thank you. If I can have that email enlarged as to the second and third paragraphs, Mr Operator.

Mr Ferrigno, can you see that email there on your screen?

Mr Ferrigno, I think you are on mute.

MR FERRIGNO: Yes, I can.

5

MS GOLSHTEIN: Can you see there that this is an email sent by a representative of DHHS to a Sam Krikelis of MSS Security and you are copied in there, along with what appears to be a DJPR representative?

10 MR FERRIGNO: That's correct.

MS GOLSHTEIN: Do you accept that you received that email?

MR FERRIGNO: Yes, I do.

15

MS GOLSHTEIN: Yes. This email, being 11 May, came about approximately one and a half months into the quarantine operations in your hotel?

MR FERRIGNO: That's correct.

20

MS GOLSHTEIN: If I could take you to the second paragraph there, the second paragraph there read as follows:

25

*I wanted to draw your attention to the great job your staff are doing, but in particular the staff members who have been very respectful and professional which you don't always find in security guards. Jarrod Mendis, George Makris and Abu Baker have certainly made my job a lot easier with their calming influence in diffusing some potentially explosive situations amongst the hotel guests.*

30

The author goes on to say in her third paragraph:

*They have been exceptional.*

35 Can you see that?

MR FERRIGNO: I can.

40 MS GOLSHTEIN: Mr Ferrigno, do you recognise the names of the three gentlemen described in that email?

MR FERRIGNO: Yes, I do. Two of them I do, yes.

45 MS GOLSHTEIN: Yes, and would you agree that those three individuals were MSS site supervisors, as far as you understood?

MR FERRIGNO: Yes.

MS GOLSHTEIN: You would accept that certainly there's no suggestion in that email that the MSS staff described there were inadequate in their supervision or management, is there?

5

MR FERRIGNO: That's correct.

MS GOLSHTEIN: If I could turn to the issue of mobile phones and Ms Ellyard has raised that with you this morning. You say in your statement that --- and again, you have said this morning --- that there were instances where guards were observed to be on their mobile phones and having conversations. Do you recall saying that and giving that evidence?

10

MR FERRIGNO: Yes, I do.

15

MS GOLSHTEIN: You would accept, wouldn't you, that you have no personal knowledge of how the MSS site supervisors handled those matters?

MR FERRIGNO: That's correct.

20

MS GOLSHTEIN: And you have no personal knowledge that they weren't dealt with, do you?

MR FERRIGNO: Other than repeating the observation that the guards continued that behaviour.

25

MS GOLSHTEIN: Yes. But insofar as whether those matters were indeed handled by supervisors on each of those occasions, you have no personal knowledge of those briefings?

30

MR FERRIGNO: That's correct.

MS GOLSHTEIN: And finally, Mr Ferrigno, if we reflect on the 25 June lift incident, if I might call it that, and Ms Ellyard has taken you to questions around that and you have given fulsome evidence in that respect, if I could ask you this: in answer to Ms Ellyard's earlier questions you described how you escalated this incident to MSS Security almost immediately; is that right?

35

MR FERRIGNO: That's correct.

40

MS GOLSHTEIN: It's the case that following that escalation you were informed by MSS that this guard was immediately and permanently removed from their shift; is that right?

MR FERRIGNO: That's correct.

45

MS GOLSHTEIN: And to the best of your recollection, no further incidents of this

nature, as far as you were aware, occurred; is that right?

MR FERRIGNO: That's correct.

5 MS GOLSHTEIN: Thank you, sir. If the Board pleases.

CHAIR: Thank you, Ms Golshtein.

10 MS ELLYARD: Madam Chair, I have also had notice of an application by Ms Siemensma on behalf of Your Nursing Agency.

CHAIR: Yes.

15 MS SIEMENSA: Thank you, Madam Chair. I seek leave to cross-examine Mr Mandyam, just in relation to two paragraphs of his statement, paragraphs 61 and 73, both of which refer to the work of nurses. I have foreshadowed those topics with Counsel Assisting and I understand she has no objection.

20 MS ELLYARD: No, your Honour.

CHAIR: Yes, I'll grant you that leave, Ms Siemensma.

25 **CROSS-EXAMINATION BY MS SIEMENSMA**

MS SIEMENSA: Good morning, sir. I act for an agency called Your Nursing Agency (Victoria) Pty Ltd and I just wanted to ask you, firstly, about a comment you made in paragraph 61 of your statement where you say:

*The nurses were responsible for all health and medical safety issues relating to the guests.*

35 You make that statement, I suggest, based on your observations that nurses attended to welfare checks and health issues relating to guests; is that correct?

MR MANDYAM: That's correct.

40 MS SIEMENSA: But you had no personal knowledge of the relationship between DHHS and the various organisations that provided nursing staff to the hotel site. Do you accept that proposition?

MR MANDYAM: Yes, I do.

45 MS SIEMENSA: There will be evidence that DHHS was in charge of the quarantine site and what the nurses did was under the direction and control of DHHS. You don't dispute that evidence, do you?

MR MANDYAM: No, I don't.

5 MS SIEMENSA: I want to move to paragraph 73. You make a comment in that paragraph that:

10 *I understand that all medical advice was provided by the supervising nurse. Where that advice required further action, it was directed to the Authorised Officer for the day.*

In terms of the chain of command at the hotel, when there were any issues, for example a guest required more complex medical care or required medication or required anything, the nurses would elevate that issue to DHHS; is that correct?

15 MR MANDYAM: Yes, that would be correct.

MS SIEMENSA: And at times an on-call medical practitioner engaged by DHHS would consult with guests about medical issues. Do you agree with that?

20 MR MANDYAM: I'm not aware of it but I would probably say yes.

MS SIEMENSA: Thank you, sir. I have no further questions.

25 CHAIR: Thank you.

MS ELLYARD: Madam Chair, I have also had notice of an application on behalf of the Department of Health and Human Services.

30 MS HARRIS SC: Madam Chair, there's one question that I would like to ask Mr Ferrigno and it relates to the incident on 25 June and the responses he gave there.

CHAIR: Yes, I'll grant you that leave, Ms Harris.

35 MS HARRIS SC: Thank you, Madam Chair.

### **CROSS-EXAMINATION BY MS HARRIS QC**

40 MS HARRIS QC: Mr Ferrigno, I can't see you on my screen. There you are, excuse me.

45 It's one question in relation to nurses and medical staff and the interactions that they had with guests. Would you usually be informed of the nature of any interactions between nurses or other medical staff arranged by DHHS with individual guests?

MR FERRIGNO: No, not usually. It would be an unusual circumstance if we were



informed.

5 MS HARRIS QC: So with respect to the gentleman on the 25th who left his room and required escort back to his room, is it the case that a mental health nurse was in fact in contact with that guest on that same day and subsequently a complex assessment and referral team organised by the Department of Health and Human Services also had interactions with that person. You wouldn't expect to have been made aware of that, would you?

10 MR FERRIGNO: Not at the time the incident occurred, no. I don't know if their contact was after that or before that.

MS HARRIS QC: The material will show --- we can make that available to the Board --- that it was in response to that incident.

15 Madam Chair, I have no further questions. Thank you.

CHAIR: Thank you, Ms Harris.

20 MS ELLYARD: Madam Chair, those are the applications that I have had notice of. I will pause for a moment, conscious that each of the witnesses is represented and in case any of their representatives --- I see Ms Alderson. I don't think I have had an application from her but I see her on screen so I'll just pause.

25 MS ALDERSON: Thank you, Counsel Assisting. Sorry, we sent an application through but it was whilst you were on your feet so you wouldn't have received it in time.

30 Madam Chair, if we could just seek leave in relation to two areas, just airflow in the hotels and establishment of green rooms, just some very short questions and the same question to each witness.

CHAIR: No objection to that, Ms Ellyard?

35 MS ELLYARD: No objection to the second one. I must say I'm not aware of the relevance of the questions about airflow. But I take it that they are short questions, Madam Chair; it might be quicker to have them put than to ask more about them.

40 CHAIRMAN: All right. So, subject to that reservation, Ms Alderson, you are granted leave.

MS ALDERSON: Witnesses, in relation to your hotels, when your hotels were selected, were you informed about the fact that airflow, the lack of airflow, can allow a virus to hang in the air? Perhaps if we start with Mr D'Cruz.

45 MR D'CRUZ: Sorry, Ms Alderson, could you repeat that question, please?

MS ALDERSON: Certainly. When your hotel was selected for the program were you informed that lack of airflow could allow the virus to hang in the air?

MR D'CRUZ: No, not specifically.

5

MS ALDERSON: Were you informed in relation to transmission of the virus at all, when your hotel was selected for the program?

MR D'CRUZ: Not the nature of selection, the selection process, no.

10

MS ALDERSON: Thank you. And Mr Ferrigno?

MR FERRIGNO: No.

15 MS ALDERSON: And finally Mr Mandyam?

CHAIR: Mr Mandyam, I think you are also being asked to answer the same question.

20 MR MANDYAM: Thank you, Madam Chair. The answer is no from my end as well.

MS ALDERSON: Thank you. And in relation to green rooms, if your hotel did have a green room, who was responsible for establishing the green rooms and the procedures related to the green rooms?

25

CHAIR: Ms Alderson, when you talk about a green room, do you mean a green zone as the Board has understood that term being used?

30 MS ALDERSON: Yes, Madam Chair.

CHAIR: A green zone meaning a zone where there's no indication that any person who has been assessed as positive is allowed to enter; is that what you mean by that question?

35

MS ALDERSON: Yes, where hotel staff and other staff could gather to rest and eat, a green room or green zone, that's correct.

CHAIR: Yes. All right. So just put your question again.

40

MS ALDERSON: So in relation to the green zones established in your hotel, who was responsible for the design of the green zone and the procedures in place, for example, entering the green zone, was PPE required to be removed, was the green zone cleaned, who was responsible in your hotel for the design of the green zone?

45

CHAIR: We'll start with you, Mr D'Cruz, with respect to that series of questions.

MR D'CRUZ: Ms Alderson, if you're referring specifically to the concept of a green room for breaks, I can't comment on that, there wasn't something specific that I was aware of.

5 As far as green zones in general, my understanding of that particular practice was that green zones were obviously the areas that we could --- that wasn't necessarily accessed by guests or security specifically. Any area that we would have termed a green zone --- and I'm hoping I've got this correct --- would be an area that our staff members would generally congregate in, not any other members. The Government  
10 security, front of house staff, DHHS staff, the nurses, et cetera, would reside front of house in the Crown context with the appropriate PPE and gloves on. I'm hoping I have answered that question appropriately.

MS ALDERSON: Yes, thank you.

15 CHAIR: Mr Mandyam?

MR MANDYAM: Thank you, Madam Chair. I have to say, counsel, that this is the first time I'm actually hearing the term green zone in the context of the Hotel  
20 Quarantine Program.

However, to answer your question, at Travelodge Docklands our back office would probably be considered to be a green zone, where there would be only team members of the hotel present in general, whereas the nurses and the security team had separate  
25 rooms for themselves. So we were quite aware of the fact that there would not be too much contact in between the three separate departments in general.

And as policies and procedures that have been put across the company as well, there was a regular sanitisation program which was put in place which I was responsible  
30 for and that took place from every time a shift started and ended. I hope I've answered your question.

MS ALDERSON: Thank you very much.

35 CHAIR: And Mr Ferrigno?

MR FERRIGNO: Yes. My understanding of the zone operating procedure was that DHHS were responsible for designing and implementing that. That was based on seeing a sign outside their operating office here at the hotel, that they said, "This is a  
40 green zone and all PPE must be discarded before entering." Soon after that, I think it was sometime in May, we picked up on the green, red and orange zone system and the hotel implemented a system of signage throughout the areas that were in use, to indicate what PPE should or shouldn't be worn.

45 CHAIR: Thank you. Nothing further, Ms Alderson?

MS ALDERSON: Nothing further, thank you, Madam Chair.

MS ELLYARD: Thank you, Madam Chair. Nothing from me. I'm conscious that each of the witnesses are from represented parties so I'll pause for a moment in case there are any applications on those parties' behalves before inviting you to excuse the witnesses. I am going to take silence as the absence of any application and ask you to excuse these three witnesses.

CHAIR: Yes, I will do that.

10

### **QUESTIONS BY CHAIR**

CHAIR: Just there's one matter, gentlemen, I will raise with you and ask you to comment upon. In the course of giving evidence this morning the issue of evacuation plans has been touched upon. Could I ask each of you to help me understand, apart from the regular everyday evacuation plans no doubt each of you have in your hotel settings, whether or not you were given any assistance or guidance about evacuation procedures whilst your hotels housed the quarantined guests? I'll start with you, Mr D'Cruz.

MR D'CRUZ: Thank you, Madam Chair. We weren't provided with any specific direction. We were requested of our emergency management plan, which specifically gets administered via our Crown security team should it be required, but nothing specific that came to us that we needed to be considerative of.

CHAIR: And was it something that you, as the manager of the hotel operating the Hotel Quarantine Program, turned your mind to, Mr D'Cruz?

MR D'CRUZ: At the start of the program, I'm quite familiar with our emergency management plan, as we like to call it. That was something that was certainly requested of us at the onset of the program and it is something that we provided as well.

CHAIR: So it was developed in the running, as it were?

MR D'CRUZ: My apologies, Madam Chair. No, it was something that always existed.

CHAIR: But specifically with respect to while guests in the Hotel Quarantine Program were in your hotel, was there something specific beyond the normal program, the normal policies for evacuation, developed?

MR D'CRUZ: No, there weren't, Madam Chair.

45

CHAIR: And Mr Mandyam?

MR MANDYAM: Thank you, Madam Chair. So we were also requested our evacuation plan, which we did and we also did have a walk-through with the security providers for the hotel. But to specifically answer your question, we weren't given anything in general for all of this business itself. I had raised my concern with the local DJPR contact that I had as to what would take place and I was led to believe that Victoria Police and the MFB were aware that we were a quarantine hotel and resources would be provided, but that was just a verbal confirmation.

CHAIR: Mr Ferrigno?

MR FERRIGNO: No, there was no discussion from Government about enhancing the existing evacuation plan that the hotel has.

CHAIR: Thank you.

Is there anything arising out of that for any of the parties?

That being so, I thank each of you for your attendance and participation in the Inquiry and excuse you from further attendance.

#### **THE WITNESSES WITHDREW**

CHAIR: Perhaps it is appropriate at this point, Ms Ellyard ---

MS ELLYARD: Yes, before we take a mid-morning break, Madam Chair --- and I don't need to detain these three witnesses --- may I tender a couple of statements from other representative hotels which have been on the hearing book but marked as "For tender only". The first of them is a statement from Nick Henderson of Holiday Inn. I tender that statement which is on the hearing book.

CHAIR: Exhibit 043.

#### **EXHIBIT #043 - STATEMENT OF NICK HENDERSON**

MS ELLYARD: Similarly I tender the statement of Cameron Mead at ParkRoyal Melbourne Airport which is on the hearing book for statement only in both cases.

CHAIR: Exhibit 044.

#### **EXHIBIT #044 - STATEMENT OF CAMERON MEAD**

MS ELLYARD: Thank you, Madam Chair. May I invite you now to take a break. The next witness will be available and Mr Neal QC will be leading their evidence.

5 CHAIR: All right. We will take a 15-minute break now, before we start with the next witness. Thank you.

MS ELLYARD: As the Board pleases.

10 **ADJOURNED** [12.01 PM]

**RESUMED** [12.20 PM]

15 CHAIR: Mr Neal, it would appear that we have Mr Menezes in position. Are you able to hear me and see me, Mr Menezes?

MR MENEZES: Yes, Madam Chair.

20 CHAIR: Thank you. I'm sure that you have already been advised, Mr Menezes, for the purposes of giving your evidence that you will need to make your solemn promise before the Board?

25 MR MENEZES: Correct, yes.

CHAIR: For that purpose I'll hand you to my associate to do that.

MR MENEZES: Thank you.

30 CHAIR: Thanks, Madam Associate.

35 **ROSSWYN MENEZES, SWORN**

CHAIR: Thank you, Mr Menezes, I will now hand you over to Mr Neal.

40 A. Thank you.

**EXAMINATION BY MR NEAL QC**

45 MR NEAL QC: My first question is, what's the correct pronunciation of your surname?

A. Menezes.

Q. Thank you. Mr Menezes, what is your current occupation?

5 A. I'm the general manager of the Rydges on Swanston.

Q. For the purpose of this Inquiry, have you provided a witness statement dated 17 August 2020?

10 A. Correct.

Q. Do you have a copy of that to hand?

15 A. I do.

Q. And as to its contents, do you say to the best of your knowledge and belief they are true and correct?

20 A. Correct.

Q. And is it your intention that the documents that you refer to in your witness statement should be read with it so as to make it intelligible?

25 A. That is correct.

MR NEAL QC: Thank you. I tender the witness statement and the folder of documents B that are referenced in it, but make the observation, Madam Chair, that there have been some applications in respect of some of the contents of those documents, both the bundle of exhibits and the witness statement, in respect of  
30 confidentiality which are not resolved as yet. So the course that I propose to adopt is that the witness statement and exhibits would be tendered but not go on to the public record until those matters are resolved.

35 CHAIR: All right. As I understand it, the concerns are with respect to some personal identifying information that is referred to in the documents, Mr Neal?

MR NEAL QC: Yes.

40 CHAIR: Is that the substance of the concerns?

MR NEAL QC: That's the substance, as I understand it, Madam Chair, yes.

45 CHAIR: I will mark Mr Menezes' statement as Exhibit 45 and the folder of documents at Exhibit 46.

#### **EXHIBIT #045 - STATEMENT OF ROSSWYN MENEZES**

**EXHIBIT #046 - ANNEXURES TO STATEMENT OF ROSSWYN MENEZES**

5

CHAIR: Obviously, for that purpose there will be a delay in those documents going up whilst appropriate redactions with respect to personal identifying information with respect to those parties, as I understand it, who aren't necessarily relevant to the Inquiry being removed.

10

MR NEAL QC: And for the reasons just stated, Madam Chair, whereas otherwise I would have brought up the witness statement to make it a little easier to follow, I think I'm forced to resort to reading more than I would otherwise have proposed to do. But so be it.

15

CHAIR: Yes. It's a practical way around the situation that we are in, Mr Neal.

Mr Menezes, I take it that you have a copy of your statement in front of you?

20

A. I do, Madam Chair.

CHAIR: Thank you.

25

MR NEAL QC: Mr Menezes, what I would like to do at the start is try and get an overview of the experience, the key events and dates that concerned your hotel and then we can go into some more detail.

A. Okay.

30

Q. Let me see if I can capture what I think are those relevant events for you in terms of what happened when. Drawing on your witness statement, I understand this: that you had four periods, if you like, or four intakes, of detainees, hotel guests who were being detained; the first of those was 12 April?

35

A. Correct.

Q. Then 24 April, 28 June and 28 July?

A. Correct.

40

Q. Over the course of the time that your hotel has been involved, are you able, off the top of your head, to say the numbers that have passed through in the quarantine category?

45

A. The total number of guests would be about 350 quarantine guests.

Q. I think you say in the body of your statement that, of those, you have an



understanding that about 274 of those were positive cases?

A. Correct. A large majority.

5 Q. I wouldn't ever warrant my arithmetic, but I thought about 87 per cent?

A. If that's the number, correct.

10 Q. Thank you. At any given time did your hotel know the status, positive or negative, of the detainee guests?

A. We were always aware right from the start that we would be receiving COVID positive guests.

15 Q. Is it the case that, I think from 27 April, only positive guests were being sent to your hotel; prior to that it may have been a mixture?

A. Correct.

20 Q. Just staying with my idea for the moment of some key themes and dates, so prior to the 27th, it was a mixed cohort of people, that is in their COVID status, and then after the 27th you were uniquely for positive cases?

A. That is correct, yes.  
25

Q. Now, it is the fact, well known to you no doubt, that there was an outbreak at the hotel, and for the period 1 to 18 June the hotel was vacant?

A. Correct.  
30

Q. And as of 1 July there was a substantial change in the operational procedures at the hotel?

A. I believe it would be 2 July, approximately.  
35

Q. Okay, 2 July.

A. Approximately.

40 Q. Yes. And at that stage the Department with which you had been dealing in the terms of contracts was the Department of Jobs, Precincts and Regions, and it changed to the Department of Health and Human Services?

A. Correct.  
45

Q. Now, currently is your hotel engaged in the quarantine program?

A. It is.

Q. Do you know the source of the guests that you are now receiving in the hotel, as in overseas travellers or otherwise?

5

A. It's not overseas travellers, it is locals.

Q. Could I ask you to go back to the start. If we can call up document RYD.001.0001.0618.

10

A. That's the initial response?

Q. That's the initial response. I'm hoping to see it --- it's certainly not appearing on my screen.

15

CHAIR: No, it's not there yet. Are you getting an indication there's a difficulty locating that document, Mr Neal?

MR NEAL QC: The witness has the document in front of him. In this case, the document is a diagram that I want to take him to. Having it in front of you graphically would make more sense of what he's about to say.

20

CHAIR: Yes, all right. Perhaps if I can just get an indication from the operator as to whether or not there's a difficulty in locating the document?

25

A. Madam Chair, if you give me a second, I'll just pull that document as well. I'll just have to leave the camera, if that's okay?

CHAIR: Yes, if you can have the document in front of you, that will be of assistance, Mr Menezes. I'll excuse you to retrieve it.

30

A. Sure. Thank you. I do have it here now.

MR NEAL QC: I just want Madam Chair to be able to look at what I'm asking you to look at.

35

CHAIR: If you just bear with me for a moment, Mr Neal, we might be able to get a practical solution from this end too. I'll see if I can get a hard copy. So we are looking at the initial response from Rydges?

40

MR NEAL QC: It's the initial response from Rydges, yes. Madam Chair, if you are getting it in hard copy, it is simply the second page of that document.

CHAIR: Just bear with me for a moment and I'll excuse myself from going off the screen.

45

Do continue, Mr Neal, I should be able to put my hand on it as you are talking.

MR NEAL QC: Okay. Mr Menezes, I want you to look at the second page of that document, where you have a diagram.

5 A. Thank you. Correct.

Q. Do I understand correctly that this was --- is this a document that you generated or this diagram or on your behalf it was generated?

10 A. It was generated on my behalf.

Q. Yes. And do I understand correctly it's an endeavour to capture, over time, demarcations of roles within the hotel?

15 A. Correct.

MR NEAL QC: Madam Chair, is that with you now?

20 CHAIR: I'm just getting it brought in. I'm just finding it, sorry, in the folder that I have, Mr Neal, but do keep on going.

MR NEAL QC: Okay.

25 In the diagram, as you said over time, Mr Menezes, you are endeavouring to show whose responsibility --- who had responsibility for what. Because I take it from your statement the way in which the hotel ran in this period was very different to its normal operation?

30 A. Absolutely.

Q. Strangely different, probably.

35 A. Yes. It's been a very unique situation, a very unique way of operating, which is very different to a normal hotel, solely because not all services are managed by the hotel directly.

Q. Yes.

40 A. And that's why that has been a unique challenge.

Q. Yes, okay. Looking at the diagram, it does endeavour to do that task of attributing roles to people and what I understand from the headings is in terms of what I might call the residual roles for your hotel, catering and food drops is one?

45 A. Correct.

Q. The provision of quarantine rooms, naturally enough?

A. Yes.

5 Q. And room changeover after sanitisation and a deep clean with fresh linen, et cetera, that was a task that remained with you?

A. Correct.

10 Q. When I say "with you", I mean with the hotel?  
A. Correct.

15 Q. And then on the left-hand side of that same diagram --- is that with you, Madam Chair?

CHAIR: Not yet, Mr Neal, but hopefully will be shortly.

MR NEAL QC: Okay, thank you.

20 CHAIR: But keep going.

MR NEAL QC: Yes.

25 On the left-hand side you note in the diagram with little graphics the Unified Security, Elite Protection and Corrections Victoria against "Security guards"?

A. Correct.

30 Q. That shows a succession of guards over time from start to finish, is that the way it works?

35 A. Yes. Maybe if I'm looking at the succession, Elite Protection was the security company that was stationed at our hotel from day 1, which was 12 April, followed by Unified Security, followed by Corrections Victoria. From my understanding, Unified Security was the overarching company looking at Elite Protection Services and then Unified Security themselves, until Corrections Victoria took over the hotel on --- I believe on 2 July, if I've got my dates right.

40 Q. Okay. And as far as what I'll call the private security as opposed to Corrections were concerned, were they actually identified by what they wore as to which company they worked for?

45 A. Yes. All the contractors with --- sorry, all the employees with Unified Security wore an orange vest that said "Unified Security".

Q. Yes. And if it were Elite Protection, as you otherwise identify, what was the difference there?

A. Sorry, I didn't hear that question.

5 Q. Okay. Was there a difference in their physical presentation, the way they dressed or identified themselves?

10 A. No, they didn't. There was no physical difference. However, I was aware if they were from Elite Protection Services because I had a few business cards from the supervisors and managers that were on site at that point.

15 Q. Just staying for a moment with that document, you have in your graphic under the "Security guards", "Expert cleaners." This is under the general heading of "Department third party service providers". The expert cleaners --- and I think you identify them as IKON Services, if I'm understanding correctly --- what was their function in the hotel?

20 A. So these are Departmental cleaning contractors. Their role was to terminal clean, deep clean and sanitise the rooms before the hotel was responsible to go in and set up and present the room.

Q. There was, if I can call them this, specialist Government cleaners for those sort of intensive purposes?

25 A. Correct.

Q. And normal cleaning, normal hotel cleaning?

A. Well, deep cleaning, correct. Yes.

30 Q. I'm sorry, the question I have is: was there a residual cleaning, say, for the lobby and other areas of the hotel, bathrooms, were they cleaned by other contractors and IKON did specialist cleaning of the rooms or how did it work?

35 A. It did change over time. So starting 12 April, when the first group arrived, the hotel staff cleaned all public areas and IKON Services were only responsible for terminal deep cleaning of all the rooms and sanitising all the corridors on the accommodation levels. So that was when --- and I believe first week July that whole provision changed. Sorry, I would say the end of June, that whole provision changed, where we had a different set of contractors coming in and cleaned all public  
40 areas as well, or take over all public areas. I do need to mention as well, just when the outbreak started, between 26 May, the Government did arrange for cleaners to come in and clean all public areas as well, since that date till we were closed. So between 26 May to 1 June the Department arranged for public area cleaners to clean all public areas and rooms. So since then the hotel has not been responsible for  
45 public area cleaning as well.

Q. Okay. And is that Spotless cleaning that has that contractual role now?

A. To the best of my understanding, it is the Alfred Hospital and Spotless in that chain of command. The Alfred Hospital with Spotless.

5 CHAIR: Mr Menezes, when you give your answer to that question, that the Government made those arrangements, are you able to be more specific about which department you are talking about?

A. I believe it is DJPR.

10

CHAIR: Thank you.

A. To the best of my knowledge.

15 MR NEAL QC: Thank you.

CHAIR: Just to confirm, Mr Neal, I do have that document now.

MR NEAL QC: Regrettably, Madam Chair, I have virtually finished with it, but ---

20

CHAIR: All right. Thank you.

MR NEAL QC: Perhaps I can take you, Mr Menezes, to the centre top of the diagram, which has simply "Department". Do you see that?

25

A. Correct.

Q. Now, what was --- and you have under that "Department authorised officer", "Department nurses", et cetera. Which departments are you referring to in this event?

30

A. That would be Department of Health and Human Services, DHHS. And while --- from my understanding, DJPR was the body that all contractual arrangements went through and DHHS were in charge of operations at our hotel at least, that I'm aware of, and that's why I put "Department", which is Department of Health and Human Services, I should imagine.

35

Q. So if I could just pursue that, in terms of on-site presence, can you describe for the Board, on a Departmental basis who would be present on any given day as the program was running?

40

A. Let me go back to the start, which for me would be mid-April. We had a DHHS team leader each shift, there was a morning shift and an evening shift. There was also an authorised officer which was morning shift and evening shift. Then we had a nursing team, we also had a Mental Health nursing team, and that --- and at the start, which was the first two days, I believe, like 12 and 13 April, we had Infection Control, a team, I believe it could be a team of one or two people, but we did have

45

Infection Control on those days as well.

5 And that that's how it predominantly was right till the outbreak. When the outbreak did take place we had a bigger presence of infection control, since then, and then the hotel shut for two weeks. And before the next group arrived we had Infection Control come in quite regularly before the next group come in and check all the areas, public areas, and check some of the rooms as well to make sure they were all right. And from then on we mostly had one representative of DJPR physically at the hotel as well, apart from the DHHS team leader and the authorised officer.

10 Q. Sorry, when you say "from then on", could you just be specific in time, please?

A. Sorry?

15 Q. You said from "then on we had DJPR as well"?

A. Correct. That would be from 27 or 28 June when we had that cohort group come in. We had a representative from DJPR stationed at the hotel as well. Prior to that, it was predominantly DHHS team leader and authorised officer from --- the lead people in the hotel from the Government.

20 Q. And you mentioned shifts of those people. Did that mean that there was a 24-hour presence or how did it work?

25 A. Sometimes there was. Mostly the overnight shift was more like a floating DHHS team leader or a floating authorised officer and when I say a "floating", they were managing a few hotels that we were aware. However, there was a duty phone that we could always call in case we needed to speak to anyone or if the guest needed to speak to anyone.

30 Q. Does that mean there would be occasions in the course of a day when there would be no Departmental presence?

A. Not during the day. Overnight.

35 Q. In any 24-hour period, I should have said.

A. Yes, correct, yes. If you're looking at 24 hours, then there was always nurses, nurses were there 24 hours, however at times it could be either the DHHS team leader who was floating or the authorised officer that was floating. But to the best of my knowledge or recollection there was always one of the two physically present at the hotel, if not both.

40 Q. And the nurses to whom you have just referred, where would they physically be stationed?

45 A. So we had --- we had offered our conference room on the ground level, which

breaks up into two rooms, and one room was offered to the nurses. They stationed all their desks with --- we had offered them some telephone extensions to call the rooms; and on the other side of the conference room we offered --- we put up a desk for the DHHS team leader and another one for the authorised officer. It was one big  
5 room which was divided into two, two conference rooms, and one was for nurses and one was for DHHS and authorised officer.

Q. On your understanding in the operational sense on site, who was in charge, who was giving --- who was at the top of the hierarchy in terms of determining what did  
10 or didn't happen?

A. The DHHS team leader on site.

Q. And over the period of time that you have been involved in the Hotel Quarantine  
15 Program, were there multiple individuals who fulfilled that role?

A. Yes.

Q. Roughly speaking, how many?  
20

A. I really wouldn't be able to give you a number. But there would be quite a few.

Q. Thank you. Perhaps if I can ask you, at paragraph 11 of your statement, you refer to the first period, the first contract period.  
25

A. Correct.

Q. Where your hotel or I think the ultimate body, Charlor --- is that the correct pronunciation of it?  
30

A. That is correct.

Q. --- were formally engaged by the Government. I wanted to ask you about the terms of that engagement. For that purpose, could I ask to have called up document  
35 RYD.0001.000 --- I beg your pardon, I'll go back.

CHAIR: Mr Neal, just to be clear, this is a document that doesn't have any claims or concerns with respect to personal identifying information?

40 MR NEAL QC: It's the terms and conditions of the contract.

CHAIR: Thank you.

MR NEAL QC: So I don't believe so.  
45

CHAIR: Thank you. Sorry, I'll get you to finish the document identification number.



MR NEAL QC: Yes. It's RYD.0001.0010.0003.

A. Right.

5

CHAIR: That's the document you're after, Mr Neal?

MR NEAL QC: It is, Madam Chair.

10 Mr Menezes, as I understand it, this document comprises not the formal execution parts of the agreement, but the standard terms and conditions; is that correct?

A. That would be correct.

15 Q. Are you generally familiar with the document?

A. Not very familiar, but I have read through it.

Q. Can I ask you when you first became aware of its contents?

20

A. It would be a few days after the 27th, because on 27 March we did not receive this. We received this, I believe, on 29 or 30 March.

25 Q. If I could ask you to just direct your attention then to clause 2, which is setting out formally the "Supplier's Obligations" and has a series of obligations. If I can ask you to look down to clause 2.1(d), you see the provision there:

*Subject to clause 2.1(e), ensure that each Room is thoroughly cleaned and disinfected at a minimum;*

30

(i) *prior to the commencement of each Department's Nominee's stay; and*  
(ii) *as soon as practicable following the conclusion of each Department Nominee's stay*

35 *to a standard consistent with the most recent recommended public health standards in respect of COVID-19.*

A. Correct.

40 Q. Bearing in mind that this document is, I think, 27 March and you saw it a couple of days later, can I ask you, that reference to "a standard consistent with the most recent recommended public health standards in respect of COVID-19", was that meaningful to you?

45 A. That was. We did speak about how the rooms are going to be cleaned as well and that's when, with the help of the Department and DJPR, we were advised that all rooms would be terminally cleaned before it is safe for hotel staff to go in and redo

the rooms.

Q. Can I just draw your attention to the next subclause, makes a distinction If there is a confirmed case of COVID-19, then the specialist cleaners come in, from which  
5 I understand the previous clause is referring to what I might call "general cleaning".

A. Correct.

Q. If I can just reframe my question: was it meaningful to you in terms of general  
10 cleaning to refer to a standard consistent with the most recent recommended public health standards in respect of COVID-19? I suppose my question is really: how did you find that out? Where did you go to have an understanding of what that meant?

A. I don't know the answer to that. But it would be a general clean, that the hotel  
15 would generally service all rooms and with the clause (e), I believe, is where we believed that the --- like any confirmed cases would be deep cleaned and sanitised and then the hotel goes in to do its part of the setup and cleaning, in that sense.

Q. Could we now scroll down to where point 2.1(h) is visible. If I could direct your  
20 attention there, this is continuing the responsibilities of the hotel:

*and will be responsible for, ensuring that before its officers, employees, agents, contractors and subcontractors perform the services they receive:*

25 *(i) adequate training in security, workplace health and safety, customer service and risk management; and*

*(ii) are provided with personal protective equipment in accordance with the relevant public health standard, including but not limited to in relation to*  
30 *COVID-19.*

If I just stop there, again, were you aware at the time that you started receiving guests that that was an obligation on the hotel?

35 A. With regards to PPE?

Q. With regard to adequate training?

A. Yes.  
40

Q. And with regard to PPE?

A. PPE.

45 Q. Let me put it to you this way, because the clause may be able to be construed two ways. But if the clause --- did you understand the clause to mean that the adequate training that is in subclause (i) there, "adequate training" included in relation to

COVID-19?

A. Yes, certainly.

5 Q. Okay. And the provision of PPE in accordance with the relevant public health standards, including but not limited to COVID-19, so my question is really whether you understand the last part of that clause, that is the word "including but not limited to in relation to COVID-19" to relate to both training and the provision of PPE?

10 A. Yes. With regards to the provision for PPE, we did speak to DHHS on site and there was an understanding that for the hotel use, DHHS would provide the hotel with any required PPE.

15 Q. So do I understand then, notwithstanding what the contract might have called for, it wasn't the way it ran?

A. Correct.

20 Q. In terms of the obligation for "adequate training" in relation to COVID-19, what was your understanding of --- I'm sorry, I'll go back a step. That was an obligation tasked on you by the contract. Is that the way it worked?

A. Sorry, I didn't understand the question.

25 Q. To the extent that this contract is saying that you, as the supplier, ensure that your personnel, I will say, had adequate training in security, workplace health and safety, customer service and risk management, if it means "including but not limited to in relation to COVID-19", is that your understanding of what it --

30 A. That is my understanding, correct.

Q. Is that obligation the way in which the contract was actually administered? Did the hotel take that responsibility?

35 A. Correct, yes. For the hotel staff, yes.

Q. Yes, I understand.

40 Now, in terms of "adequate training" including but not limited to in relation to COVID-19, can I understand what did that mean to you? Where did you go to understand what you were required to do?

45 A. Well, we were --- we had --- Rydges head office sent through some learnings of COVID-19 and a few best practices and instructions and information about COVID-19 and how to --- how to manage the hotel, which I did share with the team, so my heads of department and then to the team. I also created a memo and shared to the team, which I made reference to in my statement, about the best practices during

COVID-19, including social distancing and wearing appropriate PPE and staying home and getting tested if you're not feeling well and if you have any symptoms. So I feel that would all be part of the workplace health and safety and risk management as well.

5

Q. When you say the "appropriate PPE", I take it you mean both the physical provision of PPE and the context in which it would be worn?

A. Correct, both.

10

Q. And in terms of you or your hotel's understanding of that, what was that based on, that correct PPE use?

A. I didn't understand the question Mr Neal.

15

Q. Okay. To the extent that you were advising your personnel to use appropriate PPE in particular contexts --

A. Yes.

20

Q. --- where were you drawing the information so that you could say "This is the appropriate course of action"?

A. Okay. I was trained by one of the Infection Control personnel on 12 April when -- and the information I was passed was we set up a donning station and we put up a poster on how to wear PPE. I was shown how to wear --- don and doff PPE, and I was advised to pass that training on to the rest of my team, which I did. And whenever I was training my team, I did that in a demonstration and I referred back to the poster on donning and doffing.

25

30

Q. Okay. The person who was training you was who?

A. Someone from the Infection Control team, right at the start on 12 April.

35

Q. What was your understanding of where the Infection Control came from? Who caused them to be on site training you?

A. I believe it was DHHS, one of the personnel from DHHS who was on site on the 11th, had advised us that somebody from Infection Control would be coming in to train the staff. I believe --- I remember that, along with me, there were at least a couple more people, I do not remember who; however I remember, along with me there were another two people who were getting trained by that Infection Control person.

40

45

CHAIR: Do you mean people from your hotel, Mr Menezes?

A. I do not remember, Madam Chair, who. But I remember there were two people,

I just can't recollect if it was hotel staff or somebody else.

CHAIR: Okay.

- 5 MR NEAL QC: Could I just ask you to stay with the contract, if you can scroll down a little further to subclause (o). Looking at that, Mr Menezes, the obligation to:

10 *Provide three reasonable meals a day to each of the Department's Nominees.  
The preparation and service of food must be done in accordance with  
recommended health standards including in relation to COVID-19.*

Putting aside the question of general food health standards, with which I assume you're familiar --

- 15 A. Correct.

Q. --- was there something particular about food preparation in relation to COVID-19 that you understood by that?

- 20 A. Well, I was not given more guidance in that regard. However, I remember that the menu that I had created, I printed a copy and I offered it to the authorised officer on site at that point. The authorised officer on site at that point was somebody from food safety and I remember she walked through the kitchen to have a look at how the kitchen is set up and she gave a couple of recommendations in how to set up the  
25 kitchen. But and she was happy with everything else and the menu as well because I presented it to her.

- Q. If I could just press that for a moment, did you understand that there was anything peculiar about how food would be properly prepared in relation to COVID-19?  
30

- A. My understanding from that would be all the food needs to be in disposable containers and delivered outside the room, where there's no interaction with the guests and then that would be my understanding with relation to COVID-19. There was no certain way of preparing the food. But packaging and delivery was where the  
35 COVID implications came in.

Q. Okay. So did that mean, in effect, disposable packaging in the delivery to the rooms?

- 40 A. Correct. So everything in that was, if I could make reference to Uber Eats, it was quite similar, everything was in disposable containers, including the cutlery. So everything at the end, once we delivered, it was --- it was thrown away.

- Q. Was it the case that during the course of your hotels being involved in this  
45 program, that the food delivery, as in the three meals a day, was the responsibility of hotel staff?

A. Yes.

Q. Was it at least sometimes the case that other external food would be ordered in?

5 A. Correct. However, that delivery process was very different to the hotel catering  
and food delivery of the three meals. So per the contract, all the three meals was  
managed by the hotel and delivered by the hotel, including packaging. However, any  
external food deliveries was delivered to the rooms by either --- it started off with the  
10 security at the front of the hotel, so any external deliveries, like including food and  
anything else, groceries, packages, that was all delivered by security and not by the  
hotel.

Q. Could I ask you generally --

15 CHAIR: Mr Neal, if you're going to a new topic, we will take a break. But please  
finish on this topic and then we will take the lunch break.

MR NEAL QC: Thank you, Madam Chair, I would like to finish just that one.

20 CHAIR: Yes, sure.

MR NEAL QC: Mr Menezes, during the course of the program that you have  
described, what I'll call the three meals a day delivery and external delivery, in terms  
of hotel staff and their delivery, what was the process in terms of PPE for hotel staff  
25 taking food to quarantined people's rooms?

A. So the process was we --- all deliveries to the rooms were --- all the hotel  
deliveries to the rooms were done by the service lift which is right next to the  
kitchen. Right outside the service lift on the ground level we had a donning station,  
30 so all my hotel staff who were delivering the three meals had to don on PPE per the  
protocol and make sure the staff were sanitising their hands and then go on with the  
masks, with the eyewear and then gloves. Then only they call for the lift, head up to  
the level that they were delivering the food. They delivered the food outside the  
rooms, knock on the door and walk ahead, so we never waited for the guest to open  
35 the door, while the guests were advised to wait for at least 30 seconds before they  
opened the door after we have knocked. So we continued delivering all the food.  
Once we returned back to the staff lift on that level, we were supposed to doff our  
PPE. Right next to the lift there was a clinical waste bin, so we used to doff off the  
masks, sanitise, following the protocol. On each level there was also a signage on  
40 how to doff off, and a sanitising station. So everyone doffed off per the protocol,  
sanitised their hands and only after that they used to call the lift and then head back  
down to the ground level. When they were doing each level, the same person doing  
each level, every time they finished each level, they were supposed to doff off, come  
back down, load their trolleys, don their PPE and then go up and follow that same  
45 process again and again.

Q. Is that in fact to your observation the way things happened?

A. Very much. Very, very much.

5 Q. What was your --- last question before lunch --- physical presence on site in a typical day? Were you there 12 hours a day, most of the day, some days, what?

A. If not all seven, at least five to six days a week and 12 hours --- at least, about between 10 and 12 hours each day at least.

10 MR NEAL QC: Madam Chair, if that's a convenient moment? We have talked about food, we are probably all hungry.

CHAIR: Yes. Mr Neal, can that document be taken down or do you still have some other matters you want to deal with in that document?

15 MR NEAL QC: That can be taken down, thank you.

CHAIR: Thank you.

20 We will take the lunch break now until 2.00. Thank you.

MR NEAL QC: Thank you, Madam Chair.

25 **ADJOURNED** [1.08 PM]

**RESUMED** [2.00 PM]

30 CHAIR: Mr Neal, are we ready to proceed?

MR NEAL QC: We are, if the Board pleases.

35 CHAIR: Mr Menezes, you can obviously hear and see us?

A. Yes, I can. I hope the same.

CHAIR: Thank you.

40 MR NEAL QC: Thank you.

45 Can I have the operator call up RYD.0001.0012.0090, please. I should say, Madam Chair, whilst we're waiting, that I've endeavoured to work through those documents that I understand there is no identifying personal material, so where it's possible, I'll try and bring those up, and otherwise I'll avoid bringing the document up.

CHAIR: Thanks, Mr Neal. And as I think we indicated before the lunch break, the documents, once that personal identifying information has been attended to, will become available on the website in the ordinary course.

5 A. Madam Chair, I did have a point to make, if I could, with regards to the initial contract, if I may?

CHAIR: That document that Mr Neal was talking to you about before lunch, Mr Menezes?

10

A. Correct, Madam Chair. Mr Neal suggested that the document or the terms and conditions that were --- that I read a couple of days after the 27th, I do need to make a note that we received it a couple of days after the 27th. So I read it on that date. So on 27 March, in the evening, I received a call from another --- from the owner's representative, from Chalor, advising me about we are expecting arrivals today. This was on 27 March evening. And prior to that, we didn't have anything in writing that we were expecting the arrivals. And via that phone call it was my understanding that we were in contract, that we were expecting arrivals. However, no arrivals came that day or the next day, and I believe on 29 March is when we received the original contract and the terms and conditions, and hence I read it a couple of days after the 27th.

20

CHAIR: Thank you.

25 A. I just thought I'd make that clear.

CHAIR: Thank you, and you can obviously both see and hear us?

A. Yes, I can.

30

MR NEAL QC: The document on screen now, Mr Menezes, is quite a lengthy one. I'll ask you in the first instance the provenance of the document: who produced this document?

35 A. The hotel.

Q. Okay. And you say I think in your witness statement at paragraph 22:

40

*I note that the information provided by DHHS to the Hotel on 10 April ....*

And you cross-refer to this document, and you go on about some of its provisions. So can I ask you, to the extent that it contains information, where the information came from?

45 A. This came from a meeting we had with a representative from DJPR, two representatives from Unified Security. There was one representative from Vic Police. And we had a catch-up in one of our conference rooms per se, advising us



about the group that was arriving on the 12th. We weren't sure if it was 11th or 12th at that point, but we were made aware of the cohort that we were expecting.

Q. And that was the group of people from Uruguay; correct?

A. Correct.

Q. Can I just check you there. In your witness statement, you're actually saying:

*I note that the information provided by DHHS ....*

I didn't understand you to be saying that then?

A. Correct. It should have been "DJPR" most likely, yes. If I could correct that.

Q. To be clear, I'm not suggesting to you one thing or another. I'm just pointing out that in your witness statement you've attributed it to DHHS, and in the meeting you've just described, you seem to be --- you didn't refer to DHHS; you referred to DJPR.

A. Correct. I do not recollect anyone from DHHS specifically being there. But I'm pretty sure DJPR, Unified, and Vic Police were there. And I think I should make a change in there and say it's DJPR.

Q. Now, the document makes provision for almost a go-to-whoa how you deal with the situation, from arrival and so forth. Could I just ask you, this is dated 10 April, and if I'm understanding you correctly, this is a capture by Rydges of the information you believe you'd been given?

A. Right.

Q. So this is a couple of days before quarantine guests are coming into the hotel?

A. Correct.

Q. If I could just direct your attention to the "Pre-Arrival" heading there, the third subheading.

A. Yes.

Q. Thank you, where it gives essentially the information that I understand you were saying the hotel was getting from DHHS?

A. Correct.

Q. So, here, it's stated that DHHS will forward names and expected time of arrival, they'll advise appropriate room type for allocation, and then other special

requirements to be advised to hotel management. Can I just pause there. In point of fact, is that the information that you got pre-arrival?

5 A. In most cases we did get the name, expected time of arrival, "Advise appropriate room type for allocation", would depend on if it's a family, if they would like a room with twin bedding or interconnecting rooms. So any advice on that, we had to request it. And any special requirements would be --- we would generally say if --- dietaries could be one of them, or if they would like --- because some --- from  
10 recollection, I remember people saying that you might have requests for a balcony, a window and so on. So we just put a provision there that if there's any special requirements that a guest has, you're welcome to send it across. If we can do it from a service aspect, we will be happy to.

15 Q. If it's fair to put it to you this way; if there was a typical bundle of information that the hotel was given before people were walking through the door, what was that, typically?

20 A. It would be certainly the name of the traveller and mostly what --- how many people in the family so we can allocate the correct room type. And that would be the primary information.

Q. Okay. And when people were checking in, did you get further relevant information?

25 A. We never had a traditional check-in process, so whenever the guest checked in, we'd never seen the guest in most cases, I should say. We'd never seen the guest, so we used to allocate the room. If I can give, like, a hypothetical situation, is what we started doing --- while this sheet gives an arrival process, we eventually did not follow this arrival process.

30 Q. Okay.

35 A. It did change with consultation with DHHS on the day. We took a little bit of learning from another Rydges Hotel nationally, in another State. I've put that in my statement as well. And we felt that the arrival process that they had carried out, out there, was really great and we can tailor something like that to our hotel. So eventually what happened with the arrival process was the hotel cut room keys, made welcome packs with the welcome letter and placed it outside each door ready for the guest. When the quarantine guest came to the hotel, nobody was allowed on the  
40 ground floor, not even the guests, because that whole ground floor was considered a clean zone. All the arrivals that were coming were from the basement. The whole arrival process was managed by DHHS and the nurses and security. The hotel staff never managed the arrival process. So all of that was done in the basement.

45 We advised DHHS on-site, saying, just giving an example, "Mr Smith will be in room 201", make a sheet and provide it to DHHS, and when DHHS and nurses were collecting the guests on ground level, they would advise, "Mr Smith, you're in 201.

You take the elevators going up to level 2, you will find your key outside our room door." And that was the arrival process.

Q. So it was a process to minimise any physical contact as best you could?

5 A. Yes, correct, and that's why the hotel staff were not involved. So there was never information shared in that regard, at that point, I should say. What we used to do as well is the hotel, we used to generally either make calls to the guests to get information like dietaries, predominantly, so that we could prepare food. I do  
10 remember that the first group, when they arrived on the 12th, they came in just before a meal and I believe they had filled in a dietary form that went to DHHS or the nurses, I'm not too sure in that regard. We weren't aware. And because it was meal time, we thought it would be better to call all the guests and just get the dietaries done. So we called guests, took down the dietaries, and served them the  
15 appropriate meals.

Q. So just to capture that, then, the arrival process that you actually instigated was one which came from the basement, allowed bypass of the ground floor, and direct to accommodation level?

20 A. Correct.

Q. Just on the subject of the dietary information, was that challenging or problematic, as far as the hotel was concerned, given I understand you to be saying there was  
25 minimal information available before the guest arrived?

A. Correct. There was, prior to arrival, however, we've not had challenges in that regard. As a general operating hotel, we do have to serve a whole range of dietaries, and we were prepared in that regard with chefs, with their knowledge, they're ready  
30 to prepare all those meals.

Q. Just staying with the same document under "Arrival", if I could just check back with you. Under "Pre-Arrival", and just "Arrival". That proposes that it be controlled by Vic Police and Unified Security, from bus to the rooms. Is that how it  
35 worked?

A. Well, that arrival process was put in place through the front of the hotel, but eventually that didn't happen. It came from the basement of the hotel.

40 Q. Yes.

A. I was not physically anywhere around in that area, so it was --- from my recollection, I should say, I do remember seeing Vic Police, Unified Security, DHHS and the nurses in that area in the --- in the basement. I've seen them going down and coming back up, and that was my understanding on who was involved in that arrival  
45 process.

Q. So if I could just digest all that, is it fair to say that some of the process that we're seeing here was predicated on the idea of normal reception through the lobby, and in fact it never worked like that?

5 A. Correct.

Q. On the same document, can we scroll down to "Hotel Meal Procedures", please. Now, amongst other things, that, I think, reflects what you were telling us earlier, that there were three meals a day. They were generally to be delivered in bags rather  
10 than on hard surfaces. And, well, there's general advice that there might be up to 40 per cent of dietary requests. Was that the experience?

A. Not 40 per cent. There were quite a few. Could be maybe about 20, 25. And that ranged between, like, a few people who were allergic, which was a very small  
15 number, or any allergens, and then predominantly most of them were for requests.

Q. If we could just scroll down a little further beyond the last point, please. Thank you.

20 I should say, "ROS" is not a reference to you but to Rydges on Swanston, I take it?

A. Yes.

Q. "Can supply alcohol --- reasonable amounts within responsible service of  
25 alcohol". Was that in fact the regime?

A. That was the regime, to the best of my knowledge. Every --- when you were speaking about external deliveries earlier, from my understanding, while I didn't manage that process, it was done by the Department contractors, my understanding  
30 was every external delivery that was arriving to the hotel was checked for any kind of contraband, being cigarettes, because it was a non-smoking hotel, or alcohol. We were allowed to offer alcohol, obviously, with RSA in mind, so that we could monitor what alcohol is going up, which we did.

35 Q. Yes. If we could just scroll down a little further, please, to "Security". Under that heading, it provides, "Police will check in daily --- report any incidences".

It says "incidences" but perhaps "incidents". Did the program work like that?

40 A. To my recollection, no. I do remember seeing police on 12 April, and after that, I don't remember, I don't recollect seeing Vic Police.

Q. In the last bullet point there:

45 *Care packages and deliveries --- Will be dealt received and delivered by Unified Security.*

Is that how it worked?

5 A. Well, correct, and that was the understanding and that was the case where the security --- maybe not Unified per se but, as I said earlier, there was Elite Protections Services or Corrections Victoria. That process changed a little bit. However, it was always the security contractors of the Department that managed that care packages and external deliveries.

10 Q. Yes, okay. Do I understand correctly that to mean the receipt of the package, whatever that might be, and the physical delivery to the door of the accommodation level?

A. Correct. That was done by security.

15 Q. Did you observe what PPE was used in that context?

A. From my observation, there was gloves, there was masks and glasses. And that's my observations.

20 Q. Okay. Which would replicate what was being done by hotel staff, if I understand you correctly?

A. Correct.

25 Q. Thank you. We can take that document down.

Now, at paragraph 23 of your statement, after your first quarantine guests, you say:

30 *.... it was decided by DHHS that the Hotel would be declared a "positive hotel" for confirmed COVID-19 cases only. To the best of my recollection, that declaration was first communicated verbally to Charlor's authorised representative.*

35 If I can just stop there. Firstly, do you mean to say --- you used the words "that declaration". Was that an agreement between the hotel and the Department or how did it occur?

40 A. To the best of my knowledge, while I was not on the call with DJPR, I believe the call was from DJPR to the representative from Charlor and I believe, from my understanding, we were asked if we would take positive --- become a positive-only hotel. And we were okay with that because prior to that as well we had positive guests staying with us from the Uruguayan group. So our practices were all designed around positive quarantine guests. And that previous document states right at the top saying that Rydges on Swanston should assume all quarantine guests are going to be  
45 positive.

Q. Okay. Can I ask you perhaps a difficult question. Why in particular was your

hotel selected or agreed to be the positive hotel, apart from it being a very good hotel? I'm sure it is.

A. Thank you.

5

Q. But are there any particular features of it that you understand distinguish you from other hotels?

A. I do not know the answer for that question.

10

Q. Generally speaking, do your hotel rooms have balconies?

A. Sorry, I didn't hear the last part of the question.

15

Q. Do your rooms have balconies?

A. No, it does not.

Q. Do they have openable windows?

20

A. A few rooms have opening windows, not all.

Q. Okay. In percentage terms, could you give me a rough idea?

25

A. Thirty per cent.

Q. And in terms of recreation areas --- that is, areas where people might be taken for fresh air breaks, to be allowed out of their room for a short time --- what were the facilities available at Rydges?

30

A. So we had offered DJPR, right at the start as our offering, recreational areas, which is our conference room on level 4 and our pool deck where we have a swimming pool, as well as recreation areas, if they'd like to use that, if they planned to do any walks or use that area for any of the guests. So we weren't aware of walks right at the start, but we had literally offered the whole hotel to the Department for their use, and that was it. So they had all the rooms and we allowed them to use all the conference spaces that were available.

35

Q. So if I'm envisioning this correctly then, on the roof of the building there were actually enclosed spaces and some open spaces?

40

A. Correct.

Q. But guests were otherwise confined to the roof area of the building?

45

A. Correct.

Q. At the point where, as you say, the hotel was declared or agreed to be a positive hotel, was there any particular change in the regime that was applicable either from your point of view or from we'll call it the Department's point of view, whichever department it was?

5

A. Not that I'm aware of. Certainly not from the hotel, but not from other departments or contractors. I was not aware of any changes.

10 Q. Now, if I could ask you just briefly at paragraphs 25 and following of your statement, you refer to the concept of a clean zone, and you describe various segregated areas of the hotel. If I could just ask you in relation to the clean zone, what was that concept?

15 A. The clean zone was an area where the virus should not be or anyone who uses that area should be clean or negative. That area, no PPE was allowed generally. And basically that's what clean zone was, where you don't use or you're not required to wear PPE, and make sure that you sanitise or follow protocols before you come into that area.

20 Q. Yes. If I could just ask you to look at paragraph 25(a) of your statement, please, and the second sentence, talking about, you say, "various locations" at the hotel. And I just wanted to clarify with you, are you saying that the whole concept of the clean zone was something that was advised to you or particular locations for PPE donning and doffing or are you saying both?

25

A. I was advised that the whole ground floor would be a clean zone. Now, we had donning stations on the ground floor, not doffing stations. So we only had donning stations on the ground floor at that point. So if you were going into a dirty zone, then you would don on, and then you head up to the levels where you need to go.

30

Q. Yes.

A. And that's why we had donning stations in the areas where you were, before you either take the stairs going up or the lifts which the hotel used.

35

Q. I think you said "I was advised". I'd like to understand by whom you were advised about --- and I'm talking about the concept of having a clean zone and other zones in the hotel. Where did that advice come from?

40 A. I do not have a clear recollection about it, but I feel it would be the nurses or DHHS operations team at that point.

45 Q. Thank you. At paragraph 27, you deal with the question of the lines of communication between your hotel and government departments. And if I understand you correctly, the idea was basically that there were morning and afternoon briefings ---

A. Correct.

Q. --- on operational matters?

5 A. Correct.

Q. Who would conduct or be in charge of those meetings?

10 A. The DHHS team leader on site was always chairing those meetings.

Q. And who else would attend the meetings?

15 A. A representative from the hotel. Could be myself or the manager on duty. There would be the lead person from the security, the nurses, the mental health nurses and also the authorised officer.

Q. And in the course of those sorts of meetings, typically what sort of issues would be discussed or directed?

20 A. Any operations matters, any arrivals or any departures leaving, or if there were any --- within the teams, if anyone had anything to bring up with regards to how operations are, any improvements in operations and those sort of things.

25 Q. Were you personally present in many of those?

A. In a few, yes.

30 Q. When you weren't in charge of the hotel, who was? There was a deputy, I take it, was there?

A. Correct. I have senior managers and I've got a manager on duty 24 hours a day.

35 Q. Could I take you then to paragraph 36(b) of your statement, which contains some email correspondence, information on temperature checking.

A. You said 36(b)?

40 Q. I beg your pardon. In fact, no, I got ahead of myself there. In 36(b) you're talking about directions from DHHS nurses regarding PPE protocol, sanitisation and cleaning practices. I think the document you refer to there is just a very short email. So I wanted to ask you this. You say at 36(b):

*.... I received direction from DHHS nurses regarding PPE protocol ....*

45 Is "direction" what you mean?

A. It was information about somebody coming in to train us in that regard.



Q. Yes. And that in fact, according to my understanding, was that there would be "a lady coming in tomorrow morning all day and she will be training us on what we need to know about keeping protected etc. and cleaning etc."

5

A. Correct.

Q. And did that occur?

10 A. Yes. So as part of that, I was one of the people who were trained on that day. Again, I remember my training quite clearly, what I did at that point. But I do not know what happened otherwise, outside the times, because that was the day of arrival as well. So --

15 Q. Busy day?

A. A little bit.

20 Q. I don't need to take you to the document, but the subject matter of the email to which I'm just referring is "DHHS training". Is that your understanding of what it was?

A. It was quite brief.

25 Q. Yes.

A. From --- yes, it was quite brief. How the training was, was the trainer followed instructions on the poster that was there and how I was told to train is follow the poster. And while I demonstrated, I kept referring to the poster, as in read through it and follow that step by step by step.

30

Q. Let me see if I'm understanding you. Are you saying the training involved reference to a poster and some description of what was in the poster about how --

35 A. Don and doff.

Q. --- it was to be put on and off and that type of thing?

A. That is correct.

40

Q. Okay. And in terms of it being conveyed to the broader staff, were you the conduit for doing that?

A. Correct.

45

Q. And how did you do that?

A. Exactly the same way: demonstrating, and referring to the poster.

Q. And was that able to be done for all the staff before arrivals?

5 A. Not all before arrivals because some staff started after the arrivals. However, on their first shift, everyone was, yes.

Q. Sorry, "everyone was, yes", what?

10 A. Sorry?

Q. "Everyone was"?

15 A. Everyone was trained on their first shift, before they started their first shift.

Q. Okay. Was that, I'm sorry, by you, or how?

20 A. No, it was by me, and I instructed my senior management as well to train staff coming into the hotel on their first shift. So the same training that was passed on to me, I passed on to my 2IC and another department head, and that followed. But if not all, most of the training was always done between the three of us.

Q. If I can then direct your attention to paragraph 36(d), where you say:

25 *On 22 May 2020, I forwarded an email to hotel staff regarding the initiation of temperature checks when arriving at the Hotel at the request of DHHS nurses ...."*

30 If I can just stop you there --- it's a matter of language, but people are sensitive about language --- you say "at the request of DHHS nurses", but I think the document that supports that idea is actually saying it was a suggestion.

35 A. Well, it was in conversations with one of the nurses that we discussed --- not discussed --- they said it was nice to have a gun, because I saw that the nurses had a gun in their conference room which they used for guests, and we had a general chat about it. And I was --- and that --- on 21 May, I just happened to be at a chemist and when I walked into the chemist, that person temperature-checked me and I said, "Okay, this is my moment," I straightaway went and I purchased one and the very next day I implemented that.

40 Q. Okay. And that was referable to which people coming in and out of the hotel, the temperature check?

45 A. No, that's only for hotel staff.

Q. Only for hotel staff?

A. Only for hotel staff.

Q. So others coming in and out, departmental staff, security, et cetera, didn't have the same regime?

5

A. At that point, no.

Q. Now, just in that paragraph again, please, at 36(e) you're referring to "a request by DHHS nurses to complete a hand sanitising course". Can I ask you whether you say  
10 that was a request or a suggestion? I have to be clearer with you, I'm afraid.

A. I believe it was a suggestion again. This --- from my understanding, my manager on duty that day was at that evening briefing and that was a suggestion made by one of the nurses which my manager on duty or my colleague emailed me. And I passed  
15 it on to the whole team and I said, "This would be a fantastic idea," and many of them completed that course just as an extra --- something extra.

Q. In that same paragraph, you reference at (f) and (g) the fact --- this was obviously about the time that the outbreak had occurred --- there was a standard letter sent to  
20 hotel staff about that fact. Is that right?

A. Sorry, Mr Neal?

Q. Yes, at 36(f) --  
25

A. Correct.

Q. So:  
30 .... *I received a letter from DHHS ....*

That was to check which people had potentially had exposure at a particular time?

A. Correct. I did receive a letter from DHHS, I believe it was public health, and they  
35 sent me a few dates. I believe the dates were between 18 May and 27 or --- yes, 27 May, anyone who had spent 30 minutes or more in the building had to undergo a test.

Q. That's what happened?  
40

A. That's what happened. The very next day, I got my whole team tested. In fact, prior to that, a few of us had already tested. So once we knew my colleague was positive on the 26th, some of us had already started testing, including myself. So I made sure that all my staff who were in the building between those days that were  
45 suggested, and in fact anyone who was there in the two weeks prior to that incident, I got everyone in to get tested.

Q. And did --- was the upshot of that that the staff had to be generally stood down?

5 A. No. I do remember when I got tested and some of my colleagues got tested, I requested or I asked DHHS, the team leader on site, if --- "Should we isolate straightaway?" And I believe what we were advised at that point was, "You do not have to because you're not a close contact." I did go back to public health advising that we were not a close contact because we didn't spend the times that were defined as how long, and that's why nobody was stood down at that point, at that point.

10 Q. Then you go on to note that on 30 May, however, all hotel staff were required to enter into mandatory quarantine.

15 A. On the 30th, I believe that was a Saturday. I remember getting a call from public health late in the evening, advising me that everyone who was in the building between a certain date range had to self-isolate for 14 days.

Q. And if I understand correctly, from 1 to 18 June the hotel was vacated of staff and guests?

20 A. Correct.

Q. And from 18 June onwards, you started to receive guests again?

25 A. From 18 June, we were open for guests, but we did not receive guests till about 27 or 28 June.

Q. In your statement at 36(i), you say:

30 *On 18 June 2020, I received confirmation from DHHS to allow the Hotel to receive more quarantine guests following an inspection from infection control .... and received a document which included operational changes ....*

That document, if we could have that called up ---

35 A. Mr Neal, I do need to make a small correction there.

Q. Yes, sure.

40 A. The word "received" needs to be "created", because that was a document I created from conversations I had with all the parties that were there, infection control and whoever.

Q. Perhaps if we can go to the document and you can explain.

45 A. Sure.

Q. Can we call up, please, RYD.0001.0001.0076. Is that the document to which you

were referring?

A. Correct.

5 Q. Now, that's a document which you've created?

A. Correct.

10 Q. And do I understand you correctly, you say it's a capture of information given to you?

A. Correct.

15 Q. From?

A. From conversations I had with infection control at that point, because infection control was the only one.

20 Q. Can you be more specific when you say "infection control", to whom or what are you referring?

25 A. I believe there was a team called IPC, infection prevention control. And part of -- - somebody from that team had come to the hotel to inspect the hotel and from my conversations, this was the notes that I took down.

Q. Okay. Can I ask you in respect of the subheading of "Lifts" that you see there:

30 *DHHS/Infection Control will advise new process shortly. No guests to use lifts until new process has been put in place.*

To what does that refer?

35 A. That was the cleaning regime of the lifts. The next point would state that I advised DHHS that the hotel staff might --- will not be cleaning the lift anymore, because we would consider it as an infected room, and that's why I think the point above was making reference to that.

40 Q. So do I understand prior to the hotel shutting down for that period between the 1st and the 18th that there was a different cleaning regime in respect of lifts?

A. That is correct, yes, there was.

Q. And that regime was what exactly?

45 A. Hotel staff were cleaning the lift prior to that. So every time a guest used the lift, there was a process where inside the lift there was a signage that said "Clean" and "Dirty". So every time a guest used the lift, it was turned to "Dirty", hotel staff were

advised and hotel staff wearing PPE would go and clean the lift and then wipe the sign and then turn the sign to "Clean".

5 Q. To your knowledge, were security staff ever involved in wiping down surfaces, either buttons inside lifts or outside lifts or the like?

A. At that point, no. From my recollection, never.

10 Q. So if --- I'm assuming this happened. If security went up the lift with somebody for a recreation purpose, who was touching buttons and doing things inside the lift when that was happening?

15 A. I do not know, obviously. But from what I've been told, it was the security or the nurses, if they were doing the walks.

Q. If we can stay with that same document, the fresh air walks:

20 *DHHS/Infection Control will advise new process shortly. Per DHHS, ideally be only mental health staff taking guests for walks.*

So this document is headed "DHHS Operation Changes". To what extent is that a change?

25 A. From my understanding of that was I believe previously there were fresh air walks just taking place because people wanted and because they were claustrophobic in the rooms, but I believe this was very precise mental health and that's the information that was provided to me, which I just put down.

30 Q. And then under the heading "Briefings":

*Nurses to be present for all Security staff changeovers to brief staff on PPE protocols and hygiene protocols.*

35 What had previously been the regime?

A. I'd not seen the nurses training the security staff. This was, as I mentioned, just the information that I took down. So --- and the person from infection control has said that, so I just wrote it down, saying that this is going to be what could be happening in the future.

40 Q. And the final heading there of "Cleaning":

*IKON/ACS to do public area and office clean each day.*

45 So IKON was who?

A. IKON was the cleaning company that was managing all the terminal cleans and,

since the outbreak, all the public area cleans for that point.

Q. And ACS?

5 A. I don't know what company that is, but I believe at the end neither of them did any of the cleans.

Q. What did happen?

10 A. Since the new group came in, we had the Alfred Hospital/Spotless doing all those cleans.

Q. When you say the new group, do you mean the period from July onwards?

15 A. June, I believe June, the group that arrived on 27/28 June.

Q. Yes?

20 A. And since then it was the Alfred Health and Spotless doing the cleaning. But ---

Q. Sorry, did you want to add something?

25 A. No, I was trying to think when was the last time IKON was in the building, but I believe they were in the building not after the second week of June.

CHAIR: And is that the cleaning of the public areas that you're referring to?

A. Correct, so the ground level, all the ground level.

30 CHAIR: Yes. And your hotel staff were still responsible for cleaning the rooms?

35 A. The terminal clean was still being done by either IKON or another third party, in this case the Alfred Hospital, Spotless, that was arranged by the department. And only after that process was completed and the room was sanitised and safe for the hotel to do their bit, then only the hotel staff went in to reset the room and vacuum the floors.

40 CHAIR: So. Okay, so I'm still not absolutely clear: are we talking about the period now after 27 June, Mr Menezes, or before the break between 1 to 18 June?

45 A. That process was throughout. So right from day 1 to 27 June, so from 12 April to 27 June, any rooms that were occupied by a guest was first cleaned by --- deep cleaned by IKON Services and that was arranged by the department. Any rooms that were occupied from 27 June right up till now is deep cleaned, sanitised by the Alfred Health/Spotless, again organised by the department.

CHAIR: Thank you.

MR NEAL QC: Could I then ask you, Mr Menezes, to look at "DHHS Operation Changes after consultation with Infection Control", and could we bring up, please, a document RYD.0001.0001.0093.

5

Whilst that's happening, Madam Chair, I received a message that the transcript has dropped out.

CHAIR: Yes, I can see that that's happened too, Mr Neal. But we'll press on. I'm sure the transcribers are still transcribing, it's just that we're not getting the running version of the transcript.

10

MR NEAL QC: Thank you.

CHAIR: Which does happen from time to time.

15

MR NEAL QC: So, Mr Menezes, this document, it seems to be similar in format to other ones we've been discussing. So do I gather again this is a capture by you of information from elsewhere?

20

A. Correct.

Q. And what's the basis of this information? Where did you take this information from?

25

A. From my conversations with infection control.

Q. When you say "infection control", it's the same entity to which you've previously referred?

30

A. I would believe so. I was just made aware that they're from infection control or that's how they presented themselves, that they're from IPC infection control. So I would take it they would be the same.

Q. Okay. Who organised that, or do you know who organised that?

35

A. I do not, no.

Q. And that's a meeting that you had with infection control?

40

A. It wasn't a scheduled meeting. It was --- they were on-site and we had conversations, but --- how we're doing every task in the building just to get understanding so we know each one's role in the whole operation. And that's why at times I was trying to make a running sheet of what the operations were.

45

Q. Can I understand this document to represent changes as from about 2 July onwards?



A. You could, yes.

5 Q. And the primary changes --- well, perhaps I can ask you to capture for us, what do you say in that transition to this post-2 July period, what do you say basically were the differences? What changed?

10 A. Firstly, it was Corrections Victoria taking over all the security aspects of the building. That was one. We also had a new cleaning contractor that the Department provided, which was the Alfred Hospital. All the public area was cleaned, all the high-touch points all done by the Alfred Hospital/Spotless. And that was the big take-out from that change.

15 Q. Can I be clear, you say Spotless, the Alfred Hospital, you're meaning the same thing there?

A. Yes, yes.

20 Q. To what extent, if any, did the hotel remain responsible for any form of cleaning?

A. Not, not much. The hotel was responsible for cleaning any areas that the hotel used. That could be a kitchen, the back office, the staff areas. From a public area point of view, that was the areas that the hotel was responsible for. Everything else, from the front end, that either the other Departmental contractors were using, that 25 could be either Corrections Victoria or the nurses, DHHS, or Spotless/Alfred, any area that they were using, they were --- the Alfred Hospital were cleaning. That could be the public bathrooms, the restaurant, whether they were doing the break-out rooms. All those areas were cleaned by Spotless/Alfred Hospital.

30 Q. Okay. Could I put it to you this way, that you were still responsible for what I might call back-of-house cleaning?

A. Correct.

35 Q. Under the heading of "Hotel Access", the last point there:

*Nurses to temperature check EVERYONE coming into the hotel ....*

40 So was that a change in regime?

A. Correct. That was a big one I missed.

45 Q. Not at all. And since this regime has been in place, what are your general observations about the way in which the hotel is operating as a quarantine facility?

A. Well, it's been --- I've not seen a major difference, but obviously all the operating procedures have been tightened up. Clearly, with Corrections Victoria coming

onboard, there was lesser number of security staff on duty. They seemed to be more vocal in managing people around as well, in making sure that people are following correct protocols, social distancing, in that regard. So Corrections Victoria were helpful in that regard. The temperature checker or the nurse doing the temperature checks was great, because every person entering the hotel at one point, everything was being registered, because prior to that, nothing was registered, at least to the best of my knowledge. I'm not sure the nurses were doing it, each department separately. So those were the big changes, from a guest point of view, operation-wise, I don't believe there was any major changes, at least from the hotel side.

10 Q. And were you hosting a similar number of guests from this period, 2 July onwards, or was it different to the preceding period?

15 A. Every cohort had a different number of guests. The cohort previously, when we were managing, like, the positive-only hotel, that was a very --- a smaller group, I should say. However, when we had the cohort come in on 27 and 28 June, approximately those dates, that was basically a whole airline coming in. So it was a larger number. I believe there was around 100 pax at that point.

20 Q. Persons?

A. Yes, persons. People.

25 Q. Thank you. You can take that document down. In paragraphs 41 and 42, you refer to what I might call the "outbreak incident".

A. Correct.

30 Q. And can I be clear with you, I think you say variously in your statement, you can't add to the general knowledge about any specific circumstances in which that occurred?

A. That is correct. I cannot.

35 Q. You were asked, were you not, to provide CCTV footage in respect of this circumstance. Do I understand correctly that you said you could provide lobby footage but there was not CCTV footage in respect of accommodation floors?

40 A. Correct.

Q. And has the lobby footage --- you were asked, I think, to provide it by DHHS, was that in fact provided?

45 A. It wasn't provided, because the footage was quite large, however, I did send an email to public health investigating, saying I have saved the file, so the CCTV footage, and if anyone wants to come in and have a look at it, I'm happy to show them, which I still have.

Q. I'll ask you now to look at paragraph 38 of your witness statement where you are there being asked about directions and requests and any changes to those directions and requests by the Department of Jobs, Precincts and Regions, and you refer to  
5 a number. Can I ask you to look at 38(b), where you say:

*On 11 May 2020, I received an email ....*

10 In respect of inappropriate behaviour by security guard towards female hotel staff. Prior to that email, were you privy to that? Did you know what that circumstance was about?

A. No, I wasn't aware.

15 Q. What did you establish?

A. I established that some of the security guards were harassing a few, a couple of my female staff members by passing certain comments and a few words, and I did receive an email from one of my colleagues with regards to the complaint, and  
20 I passed that on straightaway to my DJPR and DHHS representatives, and I've also spoken to the DHHS team leader on site about that complaint.

Q. And was that complaint resolved?

25 A. It was, quite promptly. The day I was --- well, I received the complaint at 10.30 on 10 May, if I've got that right. It was late at night, and I brought it to the attention of DHHS the following morning, the 11th. And on the 11th, at 6 pm, the changeover for the security was done between the two companies. So it was acted on right away.

30 Q. And post that changeover, did those circumstances improve?

A. Those circumstances certainly did.

35 Q. By "those circumstances", I mean making inappropriate advances to your female staff?

A. Correct. I gathered that was the question.

40 CHAIR: Do you know what happened to those individuals, Mr Menezes, the individual security guards, I mean, who were responsible for that behaviour?

A. I have an idea that was told to me, but from a legal point of view, I really don't know. But I was told what happened.

45 CHAIR: And what was that?

A. They were stood down to start with, and eventually I was told that they were

terminated.

CHAIR: Thank you.

5 MR NEAL QC: Excuse me a moment, Madam Chair. There are just some documents to which I can't readily have reference, so I'm just trying to work around them.

CHAIR: Certainly.

10 MR NEAL QC: Prior to the new --- I'll call it the "new regime", Mr Menezes, the post-2 July regime, was there a problem in the hotel in terms of the control of people coming in and out from the street?

15 A. Not that I'm aware of. There was --- to the best of my recollection, there was never anyone just allowed into the hotel.

Q. Am I correct in understanding that since Corrections Victoria have been onboard, that there was a new system of requiring photo identification implemented?

20 A. I believe so. Well, because I remember that they did ask me for a list of my staff by name, and while certainly they wouldn't have photos, but they certainly had a list of my --- all the staff that worked at the hotel.

25 Q. I had the understanding from other documents that there had been some issue about people being permitted to come in without, as it were, justifying who they are and what their business was, and that Corrections Victoria sought to, I have to say it, correct that?

30 A. I do apologise, but I do not recollect anything like that.

Q. Could I then take you on, please, to paragraph 57 of your statement? Can I just confirm to you that you say there --- I'm sorry, the previous paragraph said that you have a supply of plastic gloves, which I assume was standard food service anyway?

35 A. Correct.

Q. And that:

40 *Otherwise, DHHS and DJPR provide all PPE equipment to our Hotel staff and to all other personnel involved in the quarantine program at the Hotel.*

And then you go on to say exactly what it is. So, just to be clear, if the contract required you to provide, that part of the contract wasn't insisted upon, it was done otherwise?

45 A. Correct, yes. Well, in practice, this is what we followed.

Q. Okay. That's what happened in respect of whatever the contract might have provided?

5 A. Correct, yes.

Q. And can I ask you then to look at paragraph 64 of your statement, where the question was, "Who was responsible for identifying and addressing health and safety issues to hotel staff arising from the quarantine program?" And you see your answer  
10 there:

*As noted in paragraph 52 above, Hotel staff and the functions we perform as part of the quarantine program are subject to direction and advice by specialist independent nurses, infection control experts (appointed by DHHS) and other DHHS and DJPR experts who are located at the Hotel on  
15 a day-to-day basis. This includes identifying and addressing health and safety risks to Hotel staff. We rely on the Victorian government's expertise - including the nurses, Team Leaders and infection control experts - to identify and address those specific safety risks.*

20 Again, could I ask you the same question: reading the face of the contract, in terms of the obligation to have adequate training, et cetera, that seems to be at odds with the way you say things actually worked; is that fair to say?

25 A. Right. There were a lot of --- that was correct. There was a few things that worked a little different in practice, and these were some of it. Whereas the contract might have stated one thing, what eventually ended up happening was as I stated in my statement.

30 Q. And at paragraph 68, in an email that was sent to the Victorian State Manager of Unified Security, that email draws to attention:

*Further to interactions from DHHS to investigate the outbreak at the hotel, we have observed a few concerns that we would like addressed by the security  
35 team.*

And then you have a list of three items:

*Guards sit together and have meals. Social distancing protocols not followed.*

40 *Need to sanitise hands prior to making a coffee.*

*In lobby, I've noticed guards gather to watch videos. Social distancing protocols not followed.*

45 And at paragraph 69, you say you escalated those concerns to public health team at DHHS. Are you able to say what happened as a result of that?

A. I'm not aware of what happened of that, but I did indicate that to public health and to the Unified Security manager, that this is what my observations were on the CCTV camera.

5

Q. Sorry, so that was from a review of footage?

A. Correct.

10 Q. And can you say, having raised that issue, whether those behaviours changed?

A. From a security point of view, I believe it did. I did see a change, especially with the meals, social distancing in a general sense. There was always incidences where I felt they should be doing a little more, which I tended to keep on addressing it with the individual security guards at that point. But I'm not aware what DHHS or what steps DHHS or public health put in place.

15

Q. Then at paragraph 72 of your statement, addressing the question, I think, of who was responsible for identifying or acting on complaints or concerns regarding work conditions for hotel staff in relation to the quarantine program, and the question 47 which precedes paragraph 72, "What complaints and concerns (if any) were raised? In relation to the complaints and concerns", et cetera, and you've identified there a number of incidents, generally speaking, in relation to security guards.

20

25 A. Yes.

Q. Am I correct in saying that this document is something of a capture of a fairly --- of a much larger document which you got via your staff in terms of their observations?

30

A. Well, I think these were more specific incidences that did happen which were flagged to me at that very moment, which again I passed on to DHHS as the chain, which I believe or I felt that they had to follow up with getting Unified or the security company onboard with fixing these incidences or issues.

35

Q. Okay. And these issues, the ones that you instance here, are relatively early in the piece? They're 12 May, 12 May, 12 May and 13 May respectively.

A. Correct. So this happened the day after the changeover of the security company due to the other incident.

40

Q. So a set of security guards had been terminated --

A. Correct.

45

Q. --- and a new set --

5 A. Well, it wasn't a set of security guards at that point. From my understanding, it was Elite Protection Services who were at the hotel, like practising physically at the hotel, from 12 April right to 11 May, and the whole team of Elite Protection Services were stood down at that point, the whole team, everyone at the hotel. And from there, I was told that Unified Security themselves have sent their guards into the building. So from my understanding, it was Unified Security at the start engaged Elite Protection Services to be physically stationed at the hotel between 12 April, from the first day guests arrived, until 11 May. And then Elite Protection Services, the whole team was stood down and then Unified Security actually came in at 6 pm on the 11th.

Q. Okay. So complaints that you're instancing here are in --- after the changeover?

15 A. Correct, the very next day.

MR NEAL QC: If you could just excuse me a moment, Madam Chair.

CHAIR: Certainly.

20 MR NEAL QC: Mr Menezes, could I ask you this general question, and I know another group of hoteliers have preceded us this morning and have been asked similar sorts of questions. If you could now cast your mind back to the start of this regime and the lessons learnt, how, if at all, would you suggest to the Board that things might have been managed better?

25 A. I feel if we had more time to prepare, to understand the situation, I feel --- and potentially better practices would have come out of it. Obviously now that we have the experience, we have learnt a lot over time.

30 Q. Yes.

A. So I feel time and training, in a COVID-related sense, would have been great.

35 Q. Okay. I understand that. The Board would probably want to address this situation and see if there are specific things that could be addressed or recommended. Are there specifics that you would like to suggest?

40 A. None that I can think of, on top of my head. Yes, none that I can think of, but it would be a good practice for me to --- that I've kind of experienced this over the last few months to make some suggestions which I'm happy to get back to an issue once I think about it more deeply.

Q. We always welcome informed suggestions.

45 A. Thank you.

MR NEAL QC: Madam Chair, those are the questions that I have for the witness,

and I have been advised by a number of others, and I think first Ms Siemensma, that she had a couple of questions. I say optimistically that I hope I've pre-empted some of them, Madam Chair, but I'm not sure.

5 CHAIR: Okay. Yes, Ms Siemensma.

MS SIEMENSMA: Thank you, Madam Chair. I do seek briefly to cross-examine Mr Menezes in relation to some comments he makes in relation to the nurses' activities, specifically in relation to paragraphs 25(a), and then touching briefly on paragraphs 36, 45, 46 and 64, and just to indicate, my learned friend has touched on those, so I can deal with those collectively, the latter group. I've foreshadowed the topic with him, and I understand he doesn't object to leave.

15 MR NEAL QC: That's correct, Madam Chair.

CHAIR: Yes, all right, I'll grant you leave to proceed with respect to those identified areas.

20 MS SIEMENSMA: Thank you.

#### **CROSS-EXAMINATION BY MS SIEMENSMA**

25 MS SIEMENSMA: Mr Menezes, in paragraph 25 of your statement, you refer to the setting up of the clean zones and the PPE stations, and you make the comment they were strategically placed around the hotel on the advice and at the locations specified by the infection control experts engaged by DHHS and the nurses?

30 A. Yes.

Q. Sir, you have no personal knowledge of the relationship between DHHS and the various organisations that provided nurses to the hotel; is that correct?

35 A. No, I do not have that knowledge.

Q. There will be evidence that the nurses who assisted in establishing those zones and the PPE stations did so under the direction of DHHS and the infection control consultant. And I take it you don't dispute that evidence, do you?

40

A. I wouldn't dispute that.

Q. If I understand your evidence today correctly, once those zones and those stations had been set up, the infection control consultants returned to the site from time to time; is that correct?

45

A. From the best of my recollection, I don't believe or I don't --- I have not seen any



infection control staff right from maybe 15 April right till the outbreak. So at that point --- after that, they were quite often at the hotel, after 26 May, I would say. But in between those dates, in my personal experience, I have not seen infection control.

5 Q. I see. And so when you said earlier that a lady had come to train you, was that an infection control consultant?

A. Correct, it was infection control consultant.

10 Q. And was that before 15 April or thereabouts?

A. Correct, yes, between 12th, 13th. Around the 12th.

Q. And your understanding is that this is a person engaged by DHHS?

15

A. That would be my understanding. But I cannot verify.

Q. You referred to being given a poster on how to wear PPE. There were also laminated posters displayed at the zones and the PPE stations at the hotel; is that correct?

20

A. That is correct. At every station, donning or doffing, appropriate posters were put. If it's a donning station, a donning poster. And then sometimes it would be both in one poster, donning and doffing.

25

Q. Yes. And is it the case that those posters were provided by DHHS or the infection control consultant?

A. One of them, yes.

30

Q. Sir, what I now want to do is draw to your attention a few paragraphs in your statement and then ask you a question. First, to direct your attention to paragraph 36. Mr Neal took you to this a little bit earlier. And in that section, there are a number of subparagraphs which contain references to nurses. So you will see in paragraph (b) there was a reference to being provided with a direction, and you've clarified today that you mean information.

35

A. Correct.

40 Q. And in subparagraphs (d) and (e), to nurses making various suggestions. Do you see that?

A. You say (d) and (e)?

45 Q. Yes, (d) and (e).

A. Correct.

Q. Yes. And then in paragraphs 45 and 46, you refer to nurses providing refreshers on donning and doffing, and making suggestions. Do you see that?

5 A. Correct. I do remember a few times me asking the nurses, "If you don't mind just giving a refresher to my team", and I take them to the back and demonstrate again, just for a refresher.

10 Q. And finally in paragraph 64 you refer to nurses as one of the people who provided advice and direction.

A. You said 64?

15 Q. In paragraph 64. You provide a summary and you referred to nurses as being on the groups that provided advice and direction. What I wanted to put to you, sir, is that there will be evidence that in performing those functions, the giving of refreshers, the giving of advice, information, the nurses acted under the control and the direction and with the approval of DHHS. And you don't dispute that evidence, do you?

20 A. I wouldn't dispute it, no. I'm not aware of it, but I wouldn't dispute it.

25 Q. Thank you. And it was the case that nurses, like other contractors on site, could make suggestions, but DHHS always had the last word? They always made the decision. Do you accept that proposition?

A. That would be my understanding.

30 Q. Thank you, sir, I have no further questions.

A. Thank you, ma'am.

CHAIR: Thank you, Ms Siemensma.

35 Has anyone else made approaches to you, Mr Neal? You're still on mute, Mr Neal.

MR NEAL QC: Sorry. There was one approach which was dealt with satisfactorily, I believe. I'm not aware of outstanding ones. That's not to say there aren't. But I don't believe so.

40 CHAIR: Mr McLay for DHHS?

45 MR McLAY: Yes. If the Board pleases, I seek leave. I did, according to the amended practice note, advise my learned friend, Counsel Assisting, of the matters that I wish to raise, and I understand that he doesn't have an opposition to them. Very briefly, Madam Chair, I seek leave to ask this witness questions regarding paragraph 52, which is DHHS assistance provided; paragraph 69, which concerns a

complaint re security guards; and paragraph 45, which is in relation to some of the questions that were put by Mr Neal and some assumptions put by him, and also in relation to PPE donning and doffing training. And then there was a further matter that arose, Madam Chair, in evidence-in-chief which I think loosely can be linked to paragraph 53. I'll be very brief on that matter. But it was an assumption put to him. I just want to check that, Madam Chair.

CHAIR: Yes, I'll grant you that leave, Mr McLay.

MR McLAY: As the Board pleases.

### **CROSS-EXAMINATION BY MR McLAY**

MR McLAY: Mr Menezes, you gave evidence about donning and doffing training, and you said at paragraph 45 that:

*During the following weeks, there were ad hoc occasions where on-site nurses would provide refreshers on "how to" don and doff PPE.*

Do we take the comments you gave in answer to my learned friend for Your Nursing Agency that was at your request, those ad hoc occasions?

A. That was on my request, correct.

Q. And when you made those requests, if you ever had them, you found people, particularly DHHS staff, were always happy to oblige you with those requests that you had; is that right?

A. I would say they would never object to that.

Q. And in paragraph 44, so the paragraph before, you explained that it was --- the training was how to correctly don and doff PPE. But, indeed, that also involved knowing when to use PPE; is that right?

A. Yes, yes.

Q. And you say that you were trained and you understood how to follow those instructions; is that right?

A. I understood how to follow instructions, yes.

Q. No, the instructions you were given. I'm not suggesting at all that you don't generally know how.

A. I gather you were referring to donning and doffing, correct.

Q. And you understood it well enough to be able to train others, you obviously thought; is that right?

5 A. Yes, and that was the instructions that were provided to me, that I could train using the posters as the guide, which, yes, I followed those instructions.

Q. And the idea, of course, in using those is that if you're using a prompt, like a poster, it's more likely that you will do things correctly; is that right?

10

A. Correct, because it was listed as step-by-step guide in the posters.

Q. It wasn't overly difficult to follow; is that right?

15 A. Personally, no.

Q. You gave evidence about IKON Cleaning, and you referred to them as Government cleaners. But just to be clear, you're not suggesting they were from the Government; you're just saying they were the ones that a government department had told you should use. Is that right?

20

A. I would frame it that the Department had arranged for us to use. We didn't contract IKON. The Department contracted IKON and advised us that "This is the company that would be deep-cleaning your rooms", and then they asked me to get in touch with a contact person there, just to coordinate the rooms and the cleaning. But at no time was I involved in contractually of getting IKON to the hotel. I wasn't aware of IKON prior to them coming to the hotel.

25

Q. I'm not suggesting that, Mr Menezes. And they were a specialist infectious cleaner; is that right?

30

A. That was my understanding.

Q. Now, you were asked by my learned friend Mr Neal, the Counsel Assisting the Board, you were asked some questions about PPE being provided by the Department of Health and Human Services. Do you recall that?

35

A. Yes.

Q. And it was put to you that that was part of the contract, that your hotel would supply that. Do you recall that?

40

A. Correct.

Q. And you accepted that it was a term of the contract that that would occur; is that right?

45

A. Reading the contract, yes.

Q. But in short, what happened is DHHS were willing to provide that to you to ensure that you and your staff had the adequate amount of PPE; that's right, isn't it?

5

A. That is very correct.

Q. Now, it was put to you, and I won't quote it directly, but I can take you to the transcript if my learned friend needs me to, but it was put to you that you --- that there were things that happened that didn't follow the contract. Is that right? Do you remember that?

10

A. A few things.

Q. Yes. But you're not at all suggesting that you or the hotel didn't take responsibility for ensuring the safe workplace of their workers, are you?

15

A. Sorry, Counsel, could you repeat the question again, please?

Q. You're not suggesting that the hotel didn't maintain its responsibility to --- for the safe workplace of its workers, are you?

20

CHAIR: Of the hotel's workers?

MR McLAY: Yes, Madam Chair, sorry.

25

A. Yes, I would supervise and I would certainly be responsible for hotel staff. Yes. But with regards to the infection control aspect of it, I would certainly refer that to DHHS team leader on site.

30

Q. So are you suggesting that you didn't take responsibility for training your staff?

A. That I took responsibility for training my staff? Yes.

Q. You seem to be looking a particular way when I ask that question. Is there a reason for that?

35

A. No.

Q. No. So you're accepting that you still had the responsibility for training your staff; is that right?

40

A. That is correct. And I should add in all the tasks that the hotel was supposed to do and facilitate, yes.

45

Q. Thank you, Mr Menezes.

MR McLAY: Nothing further, Madam Chair.

CHAIR: Thank you, Mr McLay. It doesn't look like there are any other matters, Mr Neal, so if there aren't any matters for re-examination, I'll excuse Mr Menezes.

5

MR NEAL QC: Madam Chair, there was a very late suggestion of a document to be put to this witness which I've just seen, but I don't know whether it's being pressed, I think, on behalf of Unified.

10 CHAIR: It doesn't look like ---

MR NEAL QC: The only information I have, Madam Chair, is I've seen an email which suggests that that might be proposed.

15 MS ALDERSON: No, Madam Chair, I can confirm that's not pressed.

CHAIR: Thank you, Ms Alderson. Thank you, Mr Menezes. Thank you for your attendance, and you're now excused.

20 A. Thank you very much.

#### **THE WITNESS WITHDREW**

25

CHAIR: Mr Neal, are you in a position to proceed with the next witness or should we take a short break whilst the next witness is being brought in to the virtual hearing room?

30 MR NEAL QC: A short break would be appreciated, Madam Chair.

CHAIR: All right. I will take a break.

35 **ADJOURNED** [3.34 PM]

**RESUMED** [3.40 PM]

40

CHAIR: Mr Neal, we're ready to proceed?

MR NEAL QC: We are, Madam Chair, and the next witness is Mr Unterfrauner.

45 CHAIR: Mr Unterfrauner, are you able to see and hear me?

MR UNTERFRAUNER: I can see you and hear you very well, thank you.

CHAIR: Before I hand you over to Mr Neal, you need to take your solemn promise with respect to the evidence you're about to give, and for that purpose, I'll ask my associate to administer the affirmation.

5

**KARL UNTERFRAUNER, AFFIRMED**

10 CHAIR: Thank you. Thanks, Mr Neal.

**EXAMINATION BY MR NEAL QC**

15

MR NEAL QC: Thank you. Mr Unterfrauner, your full name is Karl Unterfrauner?

A. Correct. Yes.

20 Q. You're currently the general manager of the Stamford, Melbourne?

A. Correct.

Q. And you've provided to the Inquiry a witness statement dated 19 August?

25

A. Yes.

Q. And do you have a copy of that to hand?

30 A. I have a copy in front of me, yes.

Q. And do you say that its content, to the best of your knowledge, is true and correct?

A. Correct, yes.

35

Q. And is it your intention that the documents or any documents to which you've made reference in that witness statement should be read with your statement to make it properly intelligible?

40 A. Correct, yes.

MR NEAL QC: If the Board pleases, I tender the witness statement and the bundle of documents in folder B in the hearing book on the same basis as previously said, that there are outstanding claims in respect of confidentiality, so that those two  
45 tendered documents won't become part of the public evidence until that's resolved.

CHAIR: Thanks, Mr Neal. Again, I understand that the claims are with respect to

the removal of personal identifying information? That's the substance of the redactions that have been made?

MR NEAL QC: I think that's the substance, as I understand, Madam Chair.

CHAIR: So the statement of Mr Unterfrauner will be marked as Exhibit 47, and the bundle of documents contained in what's described as folder B will become Exhibit 48. And for the reasons articulated, there will be a slight delay in those documents being placed onto the public website.

**EXHIBIT #047 - STATEMENT OF KARL UNTERFRAUNER**

**EXHIBIT #048 – ANNEXURES TO STATEMENT OF KARL UNTERFRAUNER**

MR NEAL QC: Mr Unterfrauner, do you have copies of the documents to which you've made reference in your statement?

A. Yes, I believe so.

Q. For the reasons the Chair has just said, generally speaking, I'm not going to ask for documents to be put on the screen so as to avoid offending any personal --- or disclosures of personal information, so I might need to be reading back to you things which I would otherwise be showing to you, so that you understand.

A. Okay.

Q. You set out your background and history in your document, in your witness statement, and suffice to say you've been in the hospitality business and in many different roles for a long time?

A. That's correct, yes.

Q. And I take it never in the context of being the venue for a quarantine facility?

A. No.

Q. Now, you say, if I can just again try and get an overview of some of the major times and events in your experience in the quarantine program, I understand that you were first involved by reason of an expression of interest that was being sought by Tourism Australia about 26 March; is that correct?

A. That's correct. There was an expression of interest for hotels which would like to participate or were requested for hotels to state their interest if they wanted to



participate in the Hotel Quarantine Program.

Q. Yes. And in terms of the expressions of interest, what sort of information did you need to provide, other than that you were interested, obviously?

5

A. Generally speaking, it was the number of rooms, hotel room size, and features and facilities, basically, of the hotel.

Q. Yes. Any particular features and facilities that you offered in respect of your hotel, or no?

10

A. No.

Q. Now, as at 27 March, was the hotel otherwise occupied?

15

A. No.

Q. And am I correct in my understanding that your first guests actually --- that is, in the quarantine sense --- arrived on 30 April?

20

A. Correct, yes.

Q. And that presently, the Stamford is still in an ongoing contract period with Government agencies in respect of the quarantine program?

25

A. Correct.

Q. But in fact in terms of quarantine guests --- that is, I should say, perhaps, travellers coming into quarantine --- there haven't in fact been guests in the hotel since 25 June?

30

A. That's also correct, yes.

Q. And currently you're involved in a new tendering process with the Department of Justice and Community Safety?

35

A. Correct.

Q. At paragraph 5 of your statement, in terms of how you became aware, you said you had a conversation with a Mr Galbraith from the Department of Jobs, Precincts and Regions. Can I ask how you were able to get into contact with him?

40

A. He contacted myself after the expression of interest which was submitted online.

Q. I see. And do you recall the substance of any conversation you had with him?

45

A. The conversation was about how many numbers of rooms we would be able to

commit to the program, how quickly we would be able to activate the site, if you like, and so on.

5 Q. Could I ask, as a matter of interest, whether your hotel features balconies or openable windows?

A. Not opening windows. On the --- we've got limited --- we've got about 20 rooms with small balconies, Juliet balconies.

10 Q. Which one could open out to --

A. Yes, correct.

15 Q. Okay, 20 rooms, and approximately how many rooms do you offer?

A. In the initial contract, we offered 217 rooms. We have got 308 rooms all up.

20 Q. At paragraph 8 of your statement, you say that prior to any agreement being reached with the Government --- or you were asked, I should say, was there any negotiation or discussion regarding a number of things, and the first was infection control. In that regard, you answer:

25 *Use of PPE was discussed during the orientation on 29 April 2020 prior to the first group arrival ....*

Then I want to read the next part slowly because I'm a little confused about the language.

30 A. Right.

Q. So I'll read the whole sentence again and you can see if I've got the right understanding of it:

35 *Use of PPE was discussed during the orientation of 29 April 2020 prior to the first group arrival and that with DHHS on site infection control experts would be on site as part of that team.*

Is there something wrong with that sentence, or am I not understanding it properly?

40 A. I think I might have been trying to say two things at once. The infection control training was touched on, and the --- but it was no training offered other than the specialist as part of the medical side would be handled by DHHS. There was no medical training of our team needed at that point of time. And the second point I'm trying to make is I enquired about the supply of PPE, if that would be part of the  
45 Department's responsibility or the hotel's responsibility.

Q. Okay, and that's in paragraph (b), I think you say you requested Mr Galbraith to

supply, and he declined, and "We proceeded to agree to sign the Contract", so you were satisfied that you could actually supply it yourself?

5 A. Yes. So I delayed the starting date of the contract until I could guarantee the supply chain of PPE.

Q. Yes. And was that the case through the conduct of the contract periods that you've been involved with, that the hotel has supplied its own?

10 A. Yes.

Q. Has that ever been a problem, in terms of supply?

15 A. So we are sure that we had --- we dedicated our training room as the PPE store room. So we had an inventory list which clearly indicated when we needed to reorder, so we left enough time, and the financial controller and the HR manager were looking after that.

20 Q. And the last part of that answer, in (h), was regarding specialised training for hotel staff who would be involved in the Hotel Quarantine Program; that is, was there any discussion or negotiation prior to the contract. You say:

25 *DHHS informed us that we would have specialists on site at all times. I can't remember when exactly they informed us. Training from DHHS was only provided on 2 and 3 July 2020.*

So just stopping with the first proposition, that you were informed that there would be specialists on-site at all times, when was that information provided to you?

30 A. Which information specifically, sorry?

Q. The information that DHHS informed you that "we would have" --- that's the hotel --- "would have specialist" --- I beg your pardon. I'll read that again:

35 *DHHS informed us that we would have specialists on site at all times. I can't remember when exactly they informed us. Training from DHHS was only provided on 2 and 3 July 2020.*

40 So the information that there would be such people on-site at all times, when did that come to you?

45 A. Right from the beginning, that they would always have DHHS staff, which was --- and nurses on-site. So any medical enquiries or any medical issues can be deferred to them.

Q. That was an understanding you had, am I correct in thinking, prior to taking your first guests into the hotel?

A. Yes.

5 Q. Could I take you now to the formal agreement which you deal with at paragraph 9. And could we call up, please, STAM.0001.0001.0304. You can see that, Mr Unterfrauner?

A. Yes, clearly.

10 Q. Thank you. Are you familiar with this document?

A. Yes.

15 Q. So this is the first of the contracts, am I correct, the first --

A. Yes.

20 Q. --- of two, I should say, dated 12 April. And if I can just take --- if we can scroll down, please, to clause 2.1, which sets out the obligations of the hotel. And in particular, can I direct your attention to point 2.1(d) ---

A. Yes.

25 Q. --- which deals with the question of the obligation, subject to a following paragraph, to:

*.... ensure that each Room is thoroughly cleaned and disinfected at a minimum:*

30 (i) *prior to the commencement of each Department's Nominee's stay; and*

(iii) *as soon as practicable following the conclusion of each Department Nominee's stay, to a standard consistent with the most recent recommended public health standards in respect to COVID-19.*

35 If I can just stop you there and ask you, what did that convey to you, the idea that you would do it to a standard consistent with the most recent recommended public health standards in respect of COVID-19?

40 A. We work with our contracted housekeeping provider on creating a specific standard operating procedure, and as a resource, we used Government guidelines which were available online and also guidelines from the Australian Hotel Association to compile that, which was a --- it detailed the sanitisation of high-touch points, it detailed on the cleaning and the cleaning products which should be used,  
45 and it also detailed sort of --- the routine that should be used within a room.

Q. Yes. And the document at subparagraph (e) then goes on to say:

*If there is a confirmed case ....*

5 Then effectively the Government-specialised cleaners would be involved in a deep or a specialised cleaning of the room. Is that in fact, in respect of those two paragraphs, is that in fact the way things worked?

A. Yes.

10 Q. And could I take you then down to, in the same document, which is gone, but needs to come back. Thank you. In subparagraph 2.1(h) there, that's to the effect that the supplier will be responsible for ensuring that its personnel, I'll generalise that, perform --- that before the personnel perform the services, they receive the following: adequate training and security, workplace health and safety, customer  
15 service and risk management; and secondly, are provided with personal protective equipment in accordance with the relevant public standards, including but not limited to in relation to COVID-19. If I can just stop there ---

CHAIR: You just need to go to the next page, please. Thank you.  
20

MR NEAL QC: Sorry, Mr Unterfrauner. Is that clear to you?

A. Yes, I can see clearly. Yes.

25 Q. Now, the clause includes the idea of "including but not limited to in relation to COVID-19" and may be taken to be referring back both to training and to the provision of personal protective equipment, although lawyers might differ about that. But assuming that it does, can I ask you what did you understand by, for example, "adequate training in relation to COVID-19"?  
30

A. We created a pack of training material for our team, and that was out of online training, out of on-site, face-to-face training, if you like. And that sort of included the --- every staff member had to complete an infection control unit, an online control unit which was put on site by the Department of Health through Austin  
35 Medical. So every staff member completed that. We had guidelines which were guidelines on social distancing, personal hygiene, symptoms check. We had a number of communications to our team in regards to that, and certainly we also focused on "stay home if not well". And we sort of went through the property from a social distancing point of view and identified that the lifts should have a maximum  
40 of two passengers, for example, and we would identify some of those maximum areas where we wouldn't want more than, for example, 10 people in our staff break-out room.

Other things included in regards to that online video on --- we have got a ---  
45 Stamford has got an internal e-learning model, if you like, and there was a model in basic infection control and how to put on PPE and take off PPE.

Q. Okay. So can I understand you to be saying, then, that that obligation that I've just referred you to was something that Stamford took on board and believed it dealt with in terms of getting the training and the PPE to its staff?

5 A. Correct, with the resources we made available ourselves.

Q. If I could just ask you to scroll down to subparagraph (o) there, and just ask you, in your lengthy history in the hotel industry, I think I noticed, Mr Unterfrauner, you were a chef, amongst other things?

10 A. Yes.

Q. Can I ask you, in relation to (o), you see there that the preparation and service of food must be done in accordance with recommended health standards including in relation to COVID-19. Did that mean something to you? I accept that there are health standards generally, but in relation to COVID-19, did that mean something specific?

20 A. Stamford Plaza Melbourne is AIFS-certified, and there was no guidelines specifically for food preparation with regards to COVID-19, other than in the food delivery, it was all in disposable containers, and the way we delivered it was different like we would normally deliver room service in a hotel.

25 Q. So do I take it that there was an avoidance of hard services like plates, et cetera, in preference to soft packaging like brown paper or something like that?

A. Yes. Take-away container. Disposable material, generally speaking.

30 Q. And that was an infection control measure?

A. Correct.

35 Q. And was it your understanding at that time that, at least on accepted medical theory, that infection could be passed by touching surfaces where an infected person had touched?

A. Yes.

40 Q. When your --- I'm sorry. Do I understand that as a part of the service of the hotel, the hotel staff delivered food to accommodation floors?

A. Correct.

45 Q. And what was the PPE practice when they were engaged in that activity?

A. Practice for PPE for delivering meals was gloves and face mask.

Q. And was that based on your in-house training understandings?

A. Yes.

5 Q. The situation that you described a moment ago in relation to the cleaning regime, that is, the specialised cleaning and the standard cleaning, did that remain the process throughout the period that you've been engaged in the program?

A. Yes.

10 Q. Thank you. We can take that document down. Now, in terms of the guests that passed through your hotel in the time till your last engagement, you say, I think, there was something like 913 in total?

15 A. Correct.

Q. And that of those guests, 20 proved positive for COVID-19?

A. Correct.

20 Q. How did you become aware of that fact?

A. My understanding is that each guest got tested by DHHS nurses on day 3 and day 11 of their stay, and we would then be advised by the DHHS supervisor, generally speaking, that a particular room may be positive --- well, once a test was returned as positive.

25 Q. Yes. And in the event in your hotel where there was a positive guest, what happened?

30 A. The DHHS, in conjunction with DJPR, would then arrange a transfer to another venue.

CHAIR: Mr Unterfrauner, where did you get your understanding from about the testing regime, the day 3 and day 11 testing?

35 A. That was communicated through the DHHS supervisor, and in general speaking, there was an influx of nurses on those days so we provided more staff meals for them. So that's how we knew that --- sorry, day 3 or day 11 of a particular flight.

40 CHAIR: Thank you.

MR NEAL QC: Thank you. On a daily basis or an average basis, if I can put it to you that way, Mr Unterfrauner, what departmental staff were on-site?

45 A. There would be the DJPR supervisor or site manager, which was, in general speaking, my key contact for an operational point of view. There will be --- and

sometimes there was maybe another person from that department. There would be a DHHS supervisor ---

Q. Yes.

5

A. --- AO, and a number of nurses. So I'm not sure exactly how many nurses there were. I wasn't privy to the roster. But on a daily basis we prepared 15 meals, so that would indicate that there would have been about 15 staff amongst all the departments together.

10

Q. Was the --- if I can call the departmental presence for the moment as a collective idea, was there a departmental presence on-site 24 hours, or how did it work?

A. Yes.

15

Q. There was. At the same level you've just indicated or different --- or how?

A. Certainly am and pm shift. I think overnight there might have been slightly lesser personnel, but I'm not exactly too sure exactly what the operation roster looked like.

20

Q. Okay. And in terms of your presence at the hotel, was that seven days a week, five days a week, 24 hours? How did it go?

A. Very close to that. No, generally speaking, I'm at the hotel five, six days a week. Throughout this program, I was at the hotel five or six days per week, and I've certainly been here on the key arrival dates, when there's large flights arrival and departure dates when the operation needed support.

25

Q. Yes. Now, from paragraphs 15 and onwards, you describe the physical circumstances of the hotel. And if I'm understanding correctly, the accommodation floors were 3 to 15.

30

A. Yes.

Q. And I should go back a step. Your hotel is basically two towers?

35

A. Correct.

Q. And there is an interconnecting walkway on levels 2 and 3; is that correct?

40

A. Level 1 and 2, yes.

Q. Level 1 and 2. Close. Okay. Now, before the arrival of a guest, typically, assuming there is a typical, what was the information that the hotel had as to who was coming in and anything else about them?

45

A. Generally speaking, we would get a manifest, probably somewhere between 12 to



24 hours out. We might have had a phone call saying there's a likelihood that you will get a flight. On the manifest, in general speaking, there were first names, surnames, gender, often the age of the customer, and the passport, and that was pretty much it. Not every manifest had the same information though.

5

Q. For your information, was that a sufficient, if you like, pre-information to accommodate the guests appropriately?

10 A. The challenge was we didn't know who was travelling together, so it was difficult to allocate family rooms. So that would have been helpful, if that information would have been on hand. So that was done at the time of check-in.

Q. What information did you have in relation to dietary requirements, either health-based or religious-based or otherwise?

15

A. Nothing pre-arrival.

Q. And how was that managed when a group of guests came into your hotel?

20 A. The guests would fill out a dietary and allergy questionnaire and hand it to DNATA or DHHS. That information took some time to get to us, so we actually created our own small questionnaire so we could get the basic dietary requirements of guests and then start serving meals for them.

25 Q. Is it fair to say that that was sub-optimal as an arrangement, that you would have preferred to have more information?

A. Yes. The more information, the easier it would have been to provide that service quicker.

30

Q. And did you get negative feedback from your guests as a result of that?

35 A. Not in general speaking. I think overall we tried to design the menus to the overriding origin of the guests, if you like. So if we had got guests or flights out of the subcontinent, we would sort of tailor our menu selection to those guests, to their likings, I suppose, and we tried to honour as many special requests as we could.

Q. So you anticipated, to a fair degree, what your guests might require?

40 A. Yes.

45 Q. At paragraph 18 of your statement, you describe what I might call the segregation of some of the areas of the hotel, back-of-house areas, if I can call it that, and green rooms. I'd like to understand a little better how that design or scheme came into being. Your idea? Somebody else's idea? A combination? What happened?

A. When DHHS set up their room, we allocated them a function room on the first

floor, and the security team was also allocated a separate function room on the first floor. And DHHS prepared a green room, including the PPE stations outside, and we discussed with them. But in our own PPEs, we already identified that we would not allow any PPE which was worn in public areas to go to back-of-house areas. So we  
5 have got biohazard bins stationed on the ground floor where you go to the back office. So people would take off the PPE, sanitise, then enter the back office. And the same would happen in the food preparation area.

10 Q. And is it generally the case, do I understand, that food preparation areas, kitchens, food plating areas, et cetera, were off-limits to non-hotel staff?

A. That's correct, yes.

15 Q. Was that system properly observed during the course of your involvement in the program?

A. In general speaking, yes. There were a couple of incidents where somebody would enter, a nurse or a security guard may enter the room, but that was quickly dealt with.

20 Q. In terms of the day-to-day running of the program, can I ask you what were the typical sort of lines of communication when things were either happening in the hotel or you were getting information externally that you needed to deal with? How did that work?

25 A. In general speaking, I would either get a phone call from DJPR on-site rep, or it would be brought up in the daily briefing and --- or it may have been an email. Those were the sort of predominant communication.

30 Q. And were particular areas dealt with by particular people?

A. Can you please explain a little bit further?

35 Q. With the subject matter of the things that were happening in the hotel, could you discriminate who you dealt with in terms of a dietary complaint and who you dealt with in terms of a behaviour or a guest or a guard complaint, et cetera?

40 A. In general speaking, we tried to channel all of the communications through the DJPR on-site rep. But certainly if there was a feedback from a nurse in regards to a guest, for example, dietary requirements, that was addressed straightaway. Similar to security guards. If there was anything, we informed the DJPR rep but also informed the security supervisor on-site at the same time.

45 Q. And again in general terms, was that an effective way of communicating and receiving information and resolving issues, including problematic issues?

A. There was an email group set up with all of the key stakeholders involved. So

most of the communication reached the group that way, as it was our duty manager and myself from the hotel side, and then there was the key people from DHHS, as in the supervisor, the AO, DJPR, and also as DNATA, as well as the security boss was also in that email group.

5

Q. Going to paragraph 25 of your statement, you were asked there:

*Did the directions and requests given to you by Department of Health and Human Services change over time? If so, please provide details.*

10

To which you answered:

*Yes. A change related to the procedures for cleaning of exit rooms was made.*

15 Could you just briefly explain what that involved?

A. In late June, during our --- after we had the break-out amongst the security guards at the Stamford, the exit rooms policy was changed in regards to --- at that point of time, it was considered that all rooms would be considered as positive rooms on exit, which was later then reversed. And basically what it was beforehand, but also the subcontractor, what the Government used, to clean those rooms was changed at the same time.

20

Q. So the regime was that there should be an intensive or a deep clean of rooms that were positive?

25

A. Yes.

Q. And previously, that had not necessarily been the case?

30

A. Yes, that was the case as well, but with a different subcontractor.

Q. I see. In relation to the receipt of a number of different things, can I ask you, was there a standard policy in terms of external meal ordering, Uber Eats and the like, over the period of the program?

35

A. Yes, the guests were able to order Uber Eats and the likes, and that was then delivered to the property, received by the security team which had a station set up in the lobby. They would validate the room number and the meal, and they would deliver it then to the room.

40

Q. Did you observe what PPE was used in that context by the security?

A. In general speaking, they would have gloves and face masks.

45

Q. In relation to the service of alcohol, was there a constant policy, or what was the position?

A. We provided a room service menu for guests to have alternative options if they didn't like the meal of the day, and as part of that we had a small selection of alcoholic beverages.

5

Q. Was external ordering in of alcohol permitted?

A. No.

10 Q. And in relation to what's often referred to as recreational breaks or fresh air breaks, et cetera, was there a policy about that, and if so, (a) what was it, and (b) was it constant over the period of the program?

15 A. After a couple of days, after the first guests arrived, there was the suggestion that we need a walk area, and a smoking area, so the AO, the DHHS supervisor, DJPR, identified two areas which would be suitable which was Alfred Place, which was the laneway between the two towers, which was considered as the walkway or, sorry, the exercise area, and Pink Alley, which is the alley accessing our loading dock and the building behind that was considered as a smoking area.

20

Q. And generally speaking, who conducted those recreational exits, if you like, or walks?

A. The security.

25

Q. And was that constant over the entire period of the program?

A. To my knowledge, yes.

30 Q. If I could just return to the question of the training regime again for a moment, at paragraph 35, you go into some detail about what was provided by Stamford. If you could have that in front of you.

A. Yes.

35

Q. My question is, when I read the first and the second paragraphs under 35, they seem to be referring to the same thing. Perhaps I could be fairer or more specific to you. The first paragraph is referring to "Stamford's own 'COVID-19 Operational Health and Safety On-boarding'", and then the second paragraph starts "Staff also undertook Stamford's own 'COVID-19 Operational Health and Safety On-boarding'"?

40

A. Yes. So that's the same. It's a double-up.

45 Q. I beg your pardon?

A. It's a double-up. It's the same program.

Q. Okay. They didn't have to do it again. Now, if I could take you on then to paragraph 41, where you were asked:

5           *What training (if any) was given to hotel staff regarding the correct use of PPE? Who provided that training?*

And you indicate that, first of all, Stamford did, yes?

10       A. Yes.

Q. And then at paragraph 41(d), you refer to a Mr Ventura from MSS Security providing Stamford with PPE advice for hotel security and authorised officers. And if I can ask that we call up document STAM.0001.0002.0554, please. I don't  
15       understand this is a problematic document. The second page, please. The next page, I should say. That's the document to which you're referring in the statement; is that correct?

20       A. That's correct, yes.

Q. That's Mr Ventura passing on a document which obviously originates from Operation Soteria?

25       A. Correct, yes.

Q. And it's dated 5 May 2020. Can I ask you, in its terms it's directed to the hotel-based security staff and authorised officers. Looking down the list of activities, did you find it relevant to activities that your hotel staff were doing? Can I be more  
30       specific with you perhaps, please.

A. Yes, please.

Q. If you look down the left-hand column, the third box there, "Hotel quarantine floor", "Not entering the clients' room or having direct contact with the clients." And  
35       then if you move across, "No direct contacts eg walking room hallways or stationed in room corridors", and then the next column says, under "Security staff", "No PPE, hand hygiene", and for the client point of view, "No PPE/not applicable". Can I ask you whether that represents the way in which you staff approached it? I should say, I'm sorry, to the extent that your staff were involved in going along corridors to  
40       deliver food, et cetera, is that the way the staff approached it?

A. No, our instruction was to all staff to have face masks and gloves at all times when on guest floors.

45       Q. Can I ask you, then, if we scroll further down that document, please, in relation to hand hygiene, it's saying that gloves are not a substitute for hand hygiene and "hands should be washed with soap and water only if they are visibly soiled, otherwise hand

sanitiser can be used continuously; gloves are not recommended for any security staff or AO staff member at any time." So that was at odds with your practice?

5 A. It doesn't --- our practice certainly was to have face mask and gloves when we were delivering meals, and then we would dispose of that and hand sanitise thereafter.

Q. Yes. Looking at paragraph 41(e), you say:

10 *On 2 and 3 July 2020 the DHHS provided Stamford cleaning staff with training on full PPE to clean accommodation rooms and public areas.*

Now, I'll have to read this document, because we can't put it up on the screen for confidentiality reasons at the moment. But the document to which you refer in  
15 paragraph 41(e) commences as an email, as I understand it, from the --- I beg your pardon. Have you got that document?

A. I have, yes.

20 Q. Okay. So for reasons of not disclosing people's email addresses and identity, I'm not referring you to the document on the screen, and I'm avoiding doing that deliberately.

A. Okay.

25 Q. So this is a document from a person who's the COVID-19 Operation Soteria Health Coordination addressed to you, and it's dated 2 July. And it says:

30 *Hi, Karl*  
*As discussed just now, we will send infection control consultants to the Stamford this afternoon to undertake PPE training with cleaning staff and observe cleaning practices from 2.30 today. The training and observation will continue tomorrow at a time that is suitable to the infection control consultants and your team.*  
35

Then the next paragraph:

40 *PPE has been sent to the hotel and we are obtaining additional clinical waste bags to be sent to the hotel.*

*As discussed as this is considered an outbreak hotel, steam cleaning will need to be undertaken after the detergent and disinfection cleaning so beds and rooms cannot be made up until after the steam cleaning is completed. The arrangements for the steam cleaning will be made by either DJPR or DHHS and you will be informed of the arrangements when they're finalised.*  
45

So if I can just stop there, that's 2 July, and there's already been the incident at the hotel in terms of outbreak. That's the context for this being done, is it?

A. Correct.

5

Q. And so that's infection control consultants going to the Stamford to undertake PPE training with cleaning staff and observing cleaning practices. So it's limited to cleaning staff; is that correct?

10 A. The topic at the time was to train or educate our external housekeeping team further on PPE and specific cleaning of the rooms, in particular after the last flight we had which departed on 25 June had a higher number of positive cases than previous flights had.

15 Q. Yes. And just following through the email, you respond and you say that you've got 15 staff on for training this afternoon and "will arrange for further staff to be trained tomorrow." Then just following the chain through to the end, there's an email reply from Infection Prevention and Control Outreach Team nurse, COVID-19 Public Health Division from the DHHS. Can I ask you, do you know whether that  
20 staff training was carried out?

A. Yes.

25 Q. And do I understand correctly it was done by instruction in a function room at the hotel as opposed to actually carrying out cleaning exercises or watching them being done?

A. Correct. So it was focused on PPE in a conference room over two separate timeframes.

30

Q. And did all the staff catch up with that, as this email would have suggested?

A. All of the staff --- there were 15 staff on the 2nd and the rest of the team training was conducted 8.30 the following morning.

35

CHAIR: Mr Neal, I'll just pause you there for a moment. I'm just noticing the time.

MR NEAL QC: Yes.

40 CHAIR: And I do just want to enquire firstly if any of the parties with leave to appear, as to whether or not it's causing anyone any difficulty to sit on to allow this witness to be finished. I'm sure that Mr Unterfrauner would prefer to finish today rather than have to come back on Monday. Am I right about that, Mr Unterfrauner?

45 A. Very much so.

CHAIR: Yes. And are you happy to proceed also, Mr Neal?

MR NEAL QC: Yes. I think as a courtesy to Mr Unterfrauner, who has been kept waiting for a while today, we should do that.

5 CHAIR: All right. Let's proceed.

MR NEAL QC: Okay. We may well be in the home stretch anyway, Mr Unterfrauner.

10 A. Thank you.

Q. I'll try and get to the point, but I'm afraid I can't show you documents. I'm having to read from them.

15 In that same paragraph with which we were last dealing, there is at 41(g), you say on 17 June, someone from DJPR circulated PPE advice at the hotel. And I don't need to take you to the same document we saw before because it's the same information, basically, from Operation Soteria. Just bear with me. In relation to that document, that comes --- that is, the document attached at 41(g) --- that came with some  
20 minutes from a meeting. Do you recall that?

A. Yes.

Q. Okay. And again, I'll have to quote it to you. The meeting was in relation to  
25 health and safety incidents at the Plaza Hotel on 14 June. Do you see that in the minutes?

A. Yes.

30 Q. The minutes are towards the back of the document, if you have it in the same format.

A. Give me a moment, please. Yes. Thank you.

35 Q. They're minutes of a meeting which you attended in relation to health and safety incidents?

A. Yes.

40 Q. And it's dated --- I beg your pardon, the health and safety incident was 14 June. The second line of the document, strangely, bears the date 12 May. I take it that's a mistake?

A. That's correct. It's 16 June.  
45

Q. Now, there were some key discussion points noted in the minutes, and if I could just refer you to a couple of those. One item was the second item in the minutes,



"Guards not maintaining social distancing", and I think a representative of the security company is quoted there as providing a brief on the incident, saying --- and it says this:

5           *The DHHS lead was very concerned that 70 guards approximately had their handover in one room and no social distancing when saying goodbye at the changeover of their shifts. Discussed alternative areas to have the handover.*

Had you yourself witnessed that sort of behaviour or similar behaviour?

10

A. No, not 70 people in one room, no.

Q. Did that --- sorry, were there changes made as a result of that?

15       A. That was the day before the outbreak happened, so the --- we were all quarantined from the next day onwards. So some of those changes were executed. I can't verify visually myself that they have been executed because I was quarantined as well.

Q. I see, yes. The next item is:

20

*MSS guards were not following the PPE infection control guidelines. Comment was made that the guards were advised of different policies, procedures for PPE.*

25       So there was some confusion, it seems:

*The guards were also wearing gloves when handling the guests' luggage as they were more comfortable with that.*

30       And there's a reference to the idea that gloves should not be worn there in that context.

The fourth item regards behavioural issues reported by guards of a DHHS --- I beg your pardon, I'll read that back:

35

*Behavioural issues reported by guards of a DHHS lead's behaviour towards them.*

40       A DHHS nurse, it is alleged by the guards, had been aggressive, talking down to them, et cetera. Do you have any personal knowledge of that?

A. [Indistinct]

45       Q. There was also an issue, I understand, with the hotel because within the building, there was a hairdressing salon; is that right?

A. Correct, yes.

Q. And the problem there was that the clients of the hairdressing salon were coming into the premises to access the hairdressing salon? Was that the --

5 A. That's correct. They would access the hairdresser via the lobby.

Q. Yes. And was that situation thought to be problematic from an infection control point of view?

10 A. It was raised at that point in time, which the steps then implemented was throughout check-in and check-out time, that there was activity in the lobby, that the hairdresser would be closed.

Q. That's what happened?

15 A. That was the --- at the time, yes.

Q. And lastly in that paragraph you're referring to:

20 *Classroom style training was provided separately by DHHS on 2 and 3 July 2020.*

So what's the context and the reason for that? That's paragraph 41(h).

25 A. That's probably on the same as 41(e).

Q. I see. It's been added for emphasis here, it seems.

A. Apologies for that.

30 Q. Okay. You were asked in relation to "Complaints and Concerns" at paragraph 44 and onwards:

35 *What risks were identified and when were they identified? What was done (if anything) to mitigate those risks? In your opinion, were those measures adequate and effective?*

The preceding question, I should have said, is:

40 *Who was responsible for identifying and addressing health and safety risks to hotel staff arising from the quarantine program?*

And I think you essentially say the Stamford itself was?

45 A. Yes.

Q. You say, however, at paragraph 41 --- I beg your pardon, paragraph 45(c):

*Over the course of the HQ Program, I gave the following feedback:*

- 5           (i) *Requesting that the DJPR look into preventing security or government staff entering into Stamford's back of house areas ....*

That was the issue to which you referred previously, was it, in respect of kitchens?

- 10       A. The kitchens, and the service of goods lift was --- we just wanted to use this for our staff and housekeeping staff and not for anybody else.

Q. Yes, and that was not entirely respected; is that the case?

- 15       A. In general speaking, it was. There would have been the odd breach of that.

Q. Okay. And paragraph 45(c)(ii):

- 20           *The hotel staff should not be responsible for moving contaminated waste, when requested to do so ....*

What's the context there?

- 25       A. A positive guest was moved to a different venue --- sorry, couldn't be moved to a different venue on that day because there was no other suitable room available, and our staff were asked to go and collect the waste from that room, which we said no to, and my understanding was that a qualified nurse would be able to deal with a potential contaminated waste, and that was enforced. That's what we requested.

- 30       Q. Now, at paragraphs 48 and 49, you were asked:

*Did you or your organisation identify or receive notice of poor or unacceptable conduct by any person in connection with the hotel quarantine program?*

- 35       And you answer "Yes". And then at paragraph 49, you were asked for some details, and then there's quite a lengthy list of transgressions, if I can put it that way. Do you agree?

A. Yes.

- 40       Q. Now, in that regard, I think you refer at the end of the paragraph --- that's paragraph 49 --- to a document which I won't put on the screen. But the document to which I am referring is an internal email, as I understand it, in which personnel at the Stamford are doing something of a check internally as to complaints and issues that were experienced?

45

A. Yes.

Q. It's a three-page document and quite a lengthy list of issues. Do you have that?

A. Yes, I have that.

5 Q. And whatever --- just to try and paraphrase and expedite this, in particular, a member of staff has given a lot of detail to another member of staff about problems in that person's experience?

A. Yes.

10

Q. Correct? And is that document then the source of many of the issues that we see in paragraph 49?

15 A. Yes and no. The requests --- we've asked our team members to certainly be free with their feedback, and feedback has been addressed as it arose. This email from 2 July, from this particular staff member, was a summary of her observation throughout the program. So it wasn't a recent --- that would have been at the time. And all of those issues or most of those issues which were in that summary were not raised the first time. They actually were raised at the time and dealt with, and those  
20 were her recollections of the whole program.

Q. I see. So that's a sweep through issues from the point of view of this observer throughout the program?

25 A. Correct.

Q. And to the extent that your paragraph 49 instances matters, are they intended by you to be different instances or something of a digest of what that document contains?

30

A. The second. So something of a digest of what's contained in the document, and some ---

Q. Yes.

35

Excuse me a moment, Madam Chair.

CHAIR: Certainly.

40 MR NEAL QC: Was there at the hotel throughout the course of this program, Mr Unterfrauner, a regime in respect of temperature checking? That is, when people came in the premises, they had their temperature checked?

A. No. It commenced on the last week of June.

45

Q. And at whose instigation was that done?

A. From our own instigation.

Q. And was that in respect of everyone coming on the premises or your own staff or what?

5

A. At that point in time, all guests had departed, so we had --- every contractor, every of our staff member, anybody which comes to site will have temperature check and a health questionnaire to complete.

10 Q. Yes. And do you manage that information internally within the hotel?

A. Yes, we do.

15 Q. Could I ask you just this question in retrospect and for the benefit of the Board, which eventually has to make observations and recommendations in relation to the program that we're discussing: with the benefit of the experience that you've had now, were there ways in which you would suggest the program, from a hotelier's point of view, could have been done better?

20 A. It certainly appears that the program has matured and developed over time. So I think the program now is much more refined than it was at the beginning. Stamford wasn't one of the initial hotels, so the program was already a little bit more refined. And certainly I think the way the program has developed now, I think it's far more refined than it was maybe two or three months ago when it initiated.

25

Q. For the benefit of Madam Chair, who needs to reflect on these things and articulate these things, are there particular respects in which you would say, "Well, this should have been done differently" or "We've learnt more about this part of the process, I wish we'd had that at the start?" Are there particulars that you'd like to comment on?

30

A. I think the communication process should have a single point of contact to make communication more streamlined. And I understand that in the Department of Corrections, that that's something that they already developed. I think that would improve a lot. And also that some of the standards which each hotel will have will be aligned across the whole participating hotel groups. Not every hotel has got their own separate standards. I think that would be helpful.

35

Q. So that there would be, if you like, some sort of objective standard that everyone has to align with?

40

A. A uniform standard, yes.

Q. You're referring there to PPE, infection control, those issues, or more generally?

45

A. On a number of topics. That's certainly one. And also on some of the standard procedures which are how to deliver meals, for example. I understand that most

hotels do it in a similar way but maybe they can also be standardised that every hotel has got the same approach, which will make it easier for staff to comply with.

5 And I think the only other point is I think obviously the continuity of ongoing staff and the same supervisor on-site will be beneficial as well.

Q. Is that to say that such persons on-site changed over too frequently for the ideal, as far as you're concerned?

10 A. We had a consistent contact from DJPR, but the supervisor of DHHS and the AO, they were rotated.

MR NEAL QC: Conscious of the hour, Madam Chair, those are the questions I have.

15 CHAIR: Yes. Thank you, Mr Neal.

Are there any parties who wish to put any matters to this witness? Mr McLay?

20 MR McLAY: Yes, Madam Chair. I have advised learned Senior Counsel Assisting the Board that there are some matters. Most of the matters I note my learned friend has already enquired about, but there are I think two matters that remain. I'll be quite brief, Madam Chair.

25 CHAIR: Yes, go on, Mr McLay.

#### **CROSS-EXAMINATION BY MR McLAY**

30 MR McLAY: Mr Unterfrauner, you gave evidence regarding PPE training. And you recall --- and this is in relation to paragraph 8 of your statement --- my learned friend took you to a paragraph where he said:

35 *DHHS informed us that we would have specialists on site at all times. I can't remember when exactly they informed us.*

And you explained the DHHS people were on-site at all times. Do you remember that?

40 A. Yes.

Q. You went on to say in that same exchange:

45 *Training from DHHS was only provided on 2 and 3 July 2020.*

But what we've heard from you today is, is it not, that you had quite a robust training

program in place from the start of the program; is that right?

A. Yes.

5 Q. Sorry, I cut across you then, I think?

A. I just said, "Yes."

10 Q. And when we're referring to that 2 and 3 July training, that was the specialist infectious training that you received after the outbreak; that's right, isn't it?

A. It was specifically on dealing with PPE.

15 Q. Yes, but that occurred after the outbreak, didn't it?

A. That's correct.

20 Q. And it occurred in order for you to --- your hotel to restart taking guests; is that right?

A. It was part of the cleaning of the whole hotel, yes, which needed to be done.

25 Q. Yes. At paragraph 49, you were taken to paragraph 49 by my learned friend in relation to some of the issues that arose. Do you recall that?

A. Yes.

30 Q. And at paragraph 49(c), or the answer at (c), it's in relation to PPE issues with security guards, and you say this:

*We also provided feedback to DJPR when breaches of any PPE requirements were observed by security guards by our staff ....*

35 I'm just trying to understand, was DJPR the line of communication for you to the security guards?

40 A. DJPR on-site representative, we communicated all on-site issues through him. We may have done that to the --- in this case, the security directly, directly if it involved them as well. But we wanted to make sure that he was the site contract, because he's available.

MR McLAY: Madam Chair, I think they might be the only matters. If I could just have a moment, I'll make sure I haven't missed anything at this late hour.

45 CHAIR: Yes.

MR McLAY: Sorry, there is one matter.

I discussed with you the training that occurred on 2 and 3 July after the outbreak, at the start of my questions. Do you recall that?

5 A. Yes.

Q. And it was the case, wasn't it, that after that outbreak, in fact from about 25 June, there was a number of specialist staff from DHHS on-site; is that right?

10 A. That's correct, yes. Staff from the infectious specialisation unit.

Q. And they assisted you with the matters that needed to be done to ensure that you were able to come back safely; is that right?

15 A. That's correct.

MR McLAY: They are the matters, Madam Chair.

20 CHAIR: Thank you, Mr McLay.

It doesn't look as if anyone else is putting themselves forward, Mr Neal. Did you have any other indications from any parties with leave to appear? No. I think you're on mute at the moment, Mr Neal.

25 MR NEAL QC: I'll learn this system eventually, Madam Chair. Unless my learned friend Ms Siemensma fell into that category, then I'm not otherwise aware of it.

30 CHAIR: No. Nobody appears to be giving me any indication that they require any time with Mr Unterfrauner, so I'll thank Mr Unterfrauner for his attendance at the Inquiry, and you are now excused, sir.

A. Thank you very much, Madam Chair, and thank you very much, Mr Neal.

35 MR NEAL QC: Thank you, Mr Unterfrauner.

### **THE WITNESS WITHDREW**

40 CHAIR: Mr Neal, that means that we are ready now to proceed with Monday's timetable, which I understand has already been posted.

MR NEAL QC: That's correct, Madam Chair, yes. We have Mr Xerri and Mr Menon as witnesses from DJPR fixed for Monday.

45 CHAIR: Thank you. So we will adjourn until 10.00 on Monday. Thank you.



MR NEAL QC: May the Board please.

5     **HEARING ADJOURNED AT 4.52 PM UNTIL 10.00 AM ON MONDAY,  
31 AUGUST 2020**

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